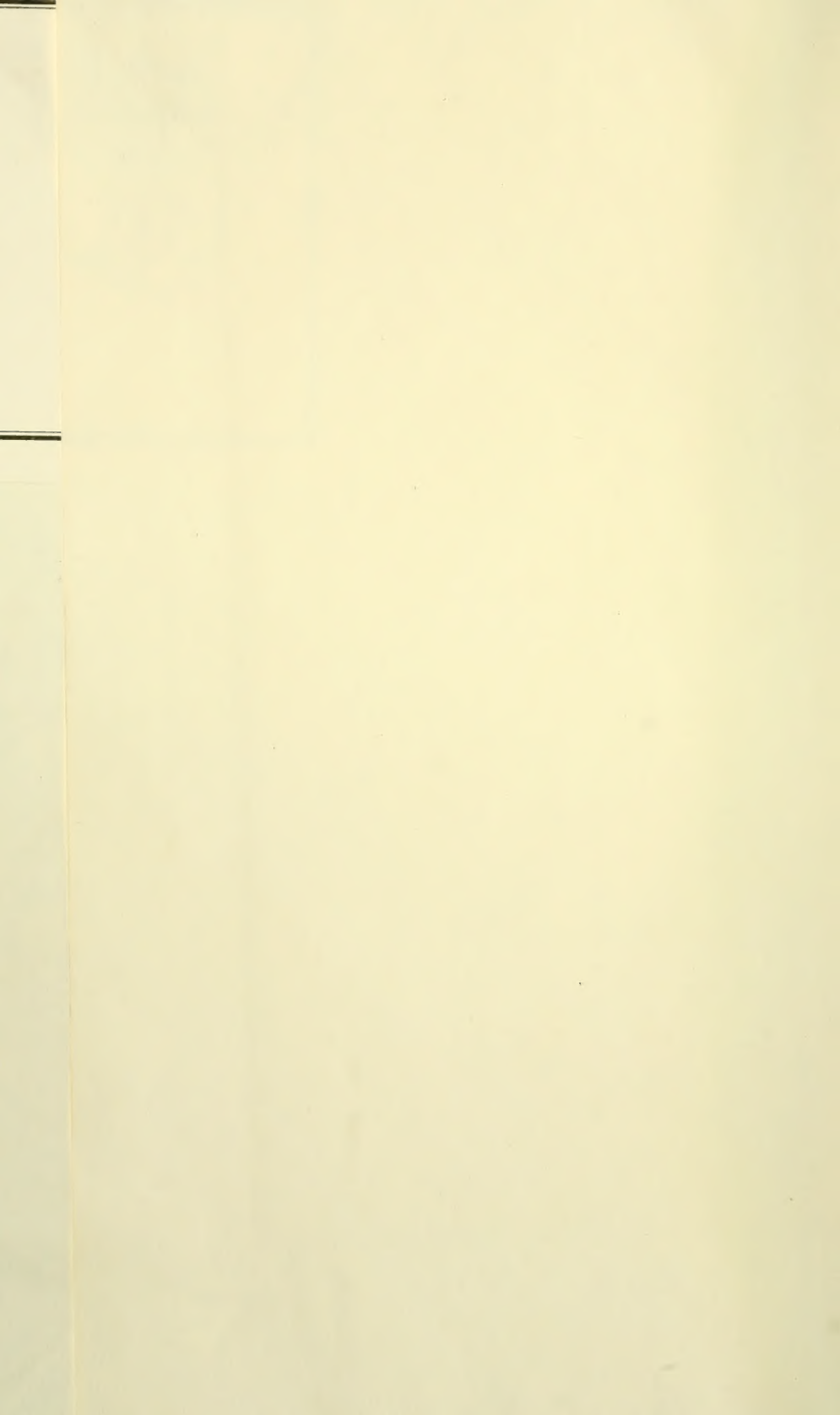


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THE
GRANTS, CONCESSIONS,
AND
ORIGINAL CONSTITUTIONS
OF THE PROVINCE OF
NEW JERSEY
THE
A C T S

Passed during the Proprietary Governments, and other
material Transactions before the Surrender
thereof to Queen Anne.

The Instrument of Surrender, and her formal Accept-
ance thereof

Lord CORNBURY'S COMMISSION and Instructions Conse-
quent thereon,

Collected by some Gentlemen employed by the General Assembly.
And afterwards

Published by virtue of an Act of the Legislature of the said Province
With proper Tables alphabetically Digested, containing the prin-
cipal Matters in the Book.

New Jersey (Colony)

By AARON LEAMING and JACOB SPICER.

PHILADELPHIA:

Printed by W. BRADFORD, Printer to the King's Most Excellent
Majesty for the Province of New Jersey.

K
(New Jersey)

1881

NOTE TO SECOND EDITION.

THE original edition of this volume of GRANTS AND CONCESSIONS was printed by William Bradford, of Philadelphia, as the imprint states ; but the exact year is unknown. Griffith, in his *Law Register*, vol. iv., states that it was "about 1751 or 1752," which is, perhaps, as nearly correct as can now be ascertained. It is the second, in order, of the compilations of the laws of New Jersey—the first being *Kinsey's Acts*, of 1732.

In reprinting the original GRANTS AND CONCESSIONS, copies of which have become scarce, we have endeavored to make the work an exact duplicate of the Bradford edition in the paging, spelling and punctuation. In a few instances, errors clearly typographical, as misplacement of letters, have been corrected ; but the unique and inconsonant spelling, and the equally curious punctuation, have been, as a rule, strictly maintained. The only perceptible difference is in capitalization and italicizing. It was thought unnecessary and unwise to follow the original in these respects, because of the greater difficulty in reading the text, and because no one, in any printed quotations from such old works, at this day, would retain those particular typographical oddities.

It is true the original edition had, as is believed, some slight errors in it, which were the fault of the transcribers from the English or Colonial records, or of the printer, or both ; but these we have not undertaken to correct, inasmuch as only a comparison of every word with the ancient documents themselves (could they be found) would enable one to discover wherein the 1752 edition was at fault. This no person is likely ever to undertake : and the utmost that will be expected of the present publishers is, that this edition shall conform to that of 1752.

HONEYMAN & COMPANY.

SOMERVILLE, N. J., July, 1881.

P R E F A C E .

I N the Sixteenth Century, it being the prevailing emulation of some of the princes of Christendom to extend their dominions, commerce, wealth and power, beyond the limits of Europe, and the discovery of America having opened a new world for the exercise of their truly glorious ambition; the great successes of the House of Austria on this side the Atlantick, and the prodigious wealth they had drawn from their colonies, could not fail of pointing out a seat of future wealth and grandeur to such an enterprizing aspiring people as the Brittons then were; but however national this system might be, the authority of a limited government, aided by the example of a few individuals, we conceive would scarcely have been sufficient to prevail on a competent number of people to shake off that common attachment inherent in every one to the place of his nativity, and dare an untrod ocean in search of a country they had only heard of but never seen: It was therefore necessary to cultivate such a spirit among the common people as should ripen them for this undertaking: In order to which, King CHARLES the Second, in 1663 granted the soil and government of New Jersey to the Duke of York, who afterwards transferred the same to other Proprietors, and they were wise and happy enough to hit upon that system which of all others is the most worthy pursuit of a rational being, namely, the security of the religion, liberties, and properties of the adventurers and their latest posterity, which in all probability were some of the chief motives that prevailed on the people to settle and transform New Jersey, with such great rapidity, from a savage wilderness to a Christian civilized country, as may be gathered from the popular plans of government contained in the following sheets. Civil and religious freedom and security being not only essential for the speedy settlement of a colony, but also for the happy government thereof; because the prince by his kingly office not only protects the subject in the enjoyment of their just liberties, but they in like manner defend him from foreign injury, which creates a mutual dependance on each other, accompanied with sincere affection, and tempered with virtue and morality, the social blessings of human life, and while this necessary connection exists, the frame of government is inviolably preserved; break but the chain and the whole frame is dissolved, which is verified in those unconstitutional revolutions and unnatural massacres which happen at the courts of arbitrary princes, whose despotic power usurps the people's privileges, and they in their desperate struggles dethrone the tyrant.

A czar of Muscovy by force of absolute power might build a city or plant a country; but is he equally secure in the government, or his subjects in the enjoyment of their lives or estates, as the prince or inhabitants of those kingdoms where liberty prevails, and the prerogative of the prince, and the privilege of the people are

PREFACE.

mutually connected by an indissolvable chain, and if actually dependent on each other, then Liberty, the great Legaiment, may raise a kingdom, and the loss of it ruin the finest constitution on earth; which we presume is fully verified by the destruction of those free states and common wealths where corruption hath undermined, and arbitrary power totally subverted the liberty of the people, leaving them no other monuments than their ancient grandeur and inglorious fall.

Under the popular plans of freedom to be found in this volumn, established by the Proprietors, New Jersey became worthy the attention of that QUEEN who then held the balance of power in Europe, and to whose care this government was finally committed by the Proprietors in 1702, but as those plans have never been embodied in a printed collection, and were only to be found in a few hands, tho' in part incorporated in the essence of our Constitution, the Assembly about the year 1750, gave orders to certain gentlemen for collating the manuscripts, and afterwards by law impowered us to commit them to the press; but if our present system of government should not be judged so equal to the natural rights of a reasonable creature, as the one that raised us to the dignity of a colony, let it serve as a caution to guard the cause of liberty.

As we were not impowered to digest, or amend what might need alteration, the candid reader we hope will not impute it to us if any thing in this work should appear unnecessary.

We were not directed to make any table to the book, but as it appeared convenient that one should be made to give the reader a more easy and concise view of the contents, we have therefore attempted it, tho' not without some embarrassment, greatly owing to the different modes by which the Province was governed: For in the first place John Lord Berkeley and Sir George Carteret entered into a form of government with the adventurer and planters for the whole Province, while they held the same as tenants in common with each other; and after the division thereof, the under Proprietors entered into two other forms of government, one for the Eastern, and the other for the Western Division; so that in fact there was three plans of government not exactly similar to each other, which rendered it difficult to frame a consistent table for the whole, and therefore we divided the same into three parts, the first of which contains a table for the whole Province before divided, including the reunion thereof, the second contains a table for East Jersey, and the third a table for West Jersey while the same remained divided, so that any thing contained in the book respecting the Province in general, or either of the divisions in particular, may be found under their respective heads to which we may refer the reader.

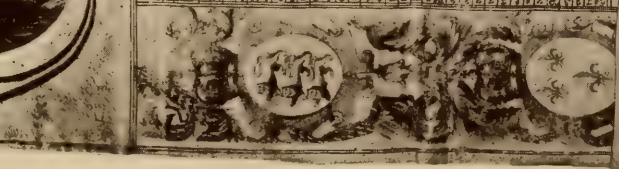
AARON LEAMING,
JACOB SPICER.



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ANNO 11
MCMDCXII



Original grant by
Charles II to his
brother James,
Duke of York, of
large tract of New
England including
all of New Jersey.



THIS precious parchment bearing the signature of Charles II granted a vast tract in North America, including all of New Jersey, to his brother James, Duke of York. There is in existence no historic document relating to the early settlement of our country by the English that holds more interest for citizens of New Jersey. The indenture by which James sought to secure for his friend Sir George Carteret rights to all of Northern New Jersey in July, 1674, is also part of the New Jersey Historical Society's collection. It is confirmatory in its nature for on June 24, 1664, all of New Jersey had been granted to Sir John Berkeley and Carteret and Berkeley had sold his share to John Fenwick on March 18, 1674.



GRANTS, CONCESSIONS, &c.,
IN
CARTERET'S TIME,
Between 1664, and 1682.





GRANTS, CONCESSIONS, &c.

IN

CARTERET'S TIME,

Between 1664 and 1682.

ANNE, by the grace of God, of Great Britain, France and Ireland, **QUEEN**, Defender of the Faith, &c. To all to whom these our present letters shall come greeting : Know ye, that among the records remaining in our Secretary's Office of our Province of New York, in America, at our fort at New York, We have inspected certain Letters Patents granted unto his late Royal Highness **JAMES**, Duke of York, deceased, which followeth in these words.

Exemption
of a Patent.
King Charles
to the Duke of
York.
March 12th in
the 16th of
Charles 2d.

CHARLES the Second, by the grace of God King of England, Scotland, France and Ireland, Defender of the Faith, &c. To all to whom these presents shall come greeting : Know ye, that we for divers good causes and considerations us thereunto moving, have of our especial grace, certain knowledge, and meer motion, given and granted, and by these presents for us, our heirs and successors, do give and grant unto our dearest brother **JAMES**, Duke of York, his heirs and assigns, all that part of the main land of New England, beginning at a certain place called or known by the name of St. Croix, next adjoining to New Scotland in America ; and from thence extending along the sea coast unto a certain place called Petuaquine or Pemaquid, and so up the river thereof to the farthest head of the same as it tendeth northward ; and extending from thence to

the river of Kenebeque, and so upwards by the shortest course to the river of Canada northward. And also all that Island or Islands, commonly called by the several name or names of Matowacks or Long Island, scituate, lying and being towards the west of Cape Codd and the Narrow Higan-setts, abutting upon the main land between the two rivers there, called or known by the several names of Conecticut or Hudsons river; together also with the said river called Hudsons river, and all the lands from the west side of Conecticut, to the east side of Delaware Bay. And also all those several islands called or known by the names of Martin's Vineyard and Nantukes or otherwise Nantukett; together with all the lands, islands, soiles, rivers, harbours, mines, minerals, quarries, woods, marshes, waters, lakes, fishings, hawkings, huntings and fowling; and all other royalty's, profits, commodities and hereditaments to said several islands, lands and premises belonging and appertaining, with their and every of their apurtenances; and all our estate, right, title, interest, benefit, advantage, claim and demand of, in or to the said lands and premises, or any part or parcel thereof, and the reversion and reversions, remainder and remainders; together with the yearly and other the rents, revenues and profits of all and singular the said premisses, and of every part and parcel thereof; to have and to hold all and singular the said lands, islands, hereditaments, and premisses, with their and every of their appurtenances, hereby given and granted, or herein before mentioned to be given and granted unto our dearest brother JAMES Duke of York, his heirs and assigns forever; to the only proper use and behoof of the said JAMES Duke of York, his heirs and assigns forever; to be holden of us, our heirs and successors, as of our mannor of East Greenwich in our County of Kent, in free and common soccage, and not in capitie, nor by night service yielding and rendering. And the said JAMES Duke of York, doth for himself, his heirs and assigns, covenant and promise to yield and render unto our heirs and successors, of and for the same and every year, forty beaver skins when they shall be demanded, or within ninety days after. And we do further of our special grace, certain knowledge and meer motion, for us, our heirs and successors, give and grant unto our said dearest brother JAMES Duke of York, his heirs,

deputies, agents, commissioners and assigns, by these presents, full and absolute power and authority to correct, punish, pardon, govern and rule all such the subjects of us, our heirs and successors, as shall from time to time adventure themselves into any the parts or places aforesaid; or that shall or do at any time hereafter inhabit within the same, according to such laws, orders, ordinances, directions and instruments as by our said dearest brother, or his assigns, shall be establish'd; and in defect thereof, in case of necessity, according to the good discretions of his deputy's, commissioners, officers or assigns respectively; as well in all causes and matters capital and criminal, as civil both marine and others; so always as the said statutes, ordinances and proceedings be not contrary to, but as near as conveniently may be, agreeable to the laws, statutes and government of this our realm of England; and saving and reserving to us, our heirs and successors, the receiving, hearing and determining of the appeal and appeals of all or any person or persons of, in or belonging to the territories or islands aforesaid, in or touching any judgment or sentence to be there made or given. And further, that it shall and may be lawful to and for our said dearest brother, his heirs and assigns, by these presents from time to time, to nominate, make, constitute, ordain and confirm, by such name or names, stile or stiles, as to him or them shall seem good, and likewise to revoke discharge, change and alter as well all and singular governor's, officers, and ministers which hereafter shall be by him or them thought fit and needful to be made or used within the aforesaid parts and islands: And also to make, ordain and establish all manner of orders, laws, directions, instructions, forms and ceremonies of government and magistracy fit and necessary for and concerning the government of the territories and islands aforesaid; so always that the same be not contrary to the laws and statutes of this our realm of England, but as near as may be agreeable thereunto; and the same at all times hereafter to put in execution or abrogate, revoke or change, not only within the precincts of the said territories or islands, but also upon the seas in going and coming to and from the same, as he or they in their good discretions shall think to be fittest for the good of the adventurers and inhabitants there. And we do further of our special grace, certain knowledge, and meer mo-

tion, grant, ordain and declare, that such governors, officers, and ministers as from time to time shall be authorized and appointed in manner and form aforesaid, shall and may have full power and authority to use and exercise marshall law in cases of rebellion, insurrection and mutiny, in as large and ample manner as our lieutenants in our counties within our realm of England have or ought to have, by force of their commission of lieutenancy, or any law or statute of this our realm. And we do further by these presents, for us, our heirs and successors, grant unto our said dearest brother JAMES Duke of York, his heirs and assigns, that it shall and may be lawful to and for the said JAMES Duke of York, his heirs and assigns, in his or their discretion from time to time, to admit such and so many person or persons to trade and traffique unto and within the said territories and islands aforesaid, and into every or any part and parcel thereof; and to have, possess and enjoy any lands or hereditaments in the parts and places aforesaid, as they shall think fit, according to the laws, orders, constitutions and ordinances by our said brother, his heirs, deputies, commissioners and assigns from time to time to be made and established by virtue of, and according to the true intent and meaning of these presents; and under such conditions, preservations and agreements as our said brother, his heirs or assigns shall set down, order, direct and appoint and not otherwise as aforesaid. And we do further of our especial grace, certain knowledge, and meermotion for us, our heirs and successors, give and grant unto our said dearest brother, his heirs and assigns, by these presents, that it shall and may be lawful to and for him, them or any of them, at all and every time and times hereafter, out of any our realms or dominions whatsoever, to take, lead, carry and transport in and into their voyages, and for and towards the plantations of our said territories and islands, all such and so many of our loving subjects, or any other strangers, being not prohibited or under restraint, that will become our loving subjects and live under our allegiance, as shall willingly accompany them in the said voyages; together with all such cloathing, implements, furniture and other things usually transported, and not prohibited, as shall be necessary for the inhabitants of the said islands and territories, and for their use and

defence thereof, and managing and carrying on the trade with the people there; and in passing and returning to and fro, yielding and paying to us, our heirs and successors, the customs and duties therefor due and payable, according to the laws and customs of this our realm. And we do also for us, our heirs and successors, grant to our said dearest brother JAMES Duke of York, his heirs and assigns, and to all and every such governor or governors, or other officers or ministers as by our said brother, his heirs or assigns, shall be appointed; to have power and authority of government and command in or over the inhabitants of the said territories or islands, that they and every of them shall and lawfully may from time to time, and at all times hereafter for ever, for their several defence and safety, encounter, expulse, repell, and resist, by force of arms as well by sea as by land, and all ways and means whatsoever, all such person and persons as without the special license of our said dearest brother, his heirs or assigns, shall attempt to inhabit within the several precincts and limits of our said territories and islands. And also, all and every such person and persons whatsoever, as shall enterprize or attempt at any time hereafter the destruction, invasion, detriment or annoyance to the parts, places or islands aforesaid or any part thereof. And lastly, our will and pleasure is, and we do hereby declare and grant, that these our letters patents, or the inrollment thereof, shall be good and effectual in the law to all intents and purposes whatsoever, notwithstanding the not reciting or mentioning of the premises or any part thereof, or the meets or bounds thereof, or of any former or other letters patents or grants heretofore made or granted of the premises, or of any part thereof, by us or of any of our progenitors, unto any other person or persons whatsoever, bodies politick or corporate, or any act, law or other restraint, incertainty or imperfection whatsoever to the contrary in any wise notwithstanding; altho' express mention of the true yearly value or certainty of the premises, or any of them, or of any other gifts or grants by us, or by any of our progenitors or predecessors heretofore made to the said JAMES Duke of York, in these presents is not made, or any statute, act, ordinance, provision, proclamation or restriction, heretofore had, made, enacted, ordained or provided, or any other matter, cause or thing

whatsoever to the contrary thereof in any wise notwithstanding. In witness whereof we have caused these our letters to be made patent. Witness ourself at Westminster, the twelfth day of March, in the sixteenth year of our reign. By the King, HOWARD.

All which by the tenor of these presents we have caused to be exemplified. In testimony whereof we have caused our seal of our said Province of New York to be hereunto affixed. WITNESS our trusty and well beloved Robert Hunter, Esq.; our Captain General and Governor in Chief of our Provinces of New York, New Jersey and Territories thereon depending in America, and Vice Admiral of the same, and at our Fort at New York, this thirtieth day of October, in the tenth year of our reign.

H. WILEMAN, *Dep. Sery.*

Note. It was thought unnecessary to copy the lease for a year, which is dated the day before the following release.

The Duke of York's release to John Lord Berkeley, and Sir George Carteret, 24th of June, 1664.

THIS INDENTURE made the four and twentieth day of June, in the sixteenth year of the reign of our sovereign Lord, CHARLES the Second, by the grace of God of England, Scotland, France and Ireland, KING Defender of the Faith, &c., Annoq. Domini, 1664. Between His Royal Highness, JAMES Duke of York, and Albany, Earl of Ulster, Lord High Admiral of England, and Ireland, Constable of Dover Castle, Lord Warden of the Cinque ports, and Governor of Portsmouth, of the one part: John Lord Berkeley, Baron of Stratton, and one of His Majesty's most Honourable Privy Council, and Sir, George Carteret of Saltrum, in the County of Devon, Knight and one of His Majesty's most Honourable Privy Council of the other part: Whereas his said Majesty King CHARLES the Second, by his Letters Patents under the Great Seal of England, bearing date on or about the twelfth day of March, in the sixteenth year of his said Majesty's reign, did for the consideration therein mentioned, give and grant unto his said Royal Highness JAMES, Duke of York, his heirs and assigns, all that part of the main land of New England, beginning at a certain place called or known by the name of St.

Croix next adjoining to New Scotland in America ; and from thence extending along the sea coast unto a certain place called Pemaquie or Pemaquid, and so by the river thereof to the furthest head of the same as it tendeth northward ; and extending from thence to the river of Kinebeque, and so upwards by the shortest course to the river Canady northwards ; and also all that island or islands commonly called by the several name or names of Matowacks or Long Island, situate and being towards the west of Cape Codd and the Narrow Higansetts, abutting upon the main land between the two rivers there, called or known by the several names of Connecticutt, and Hudson's river ; together also with the said river called Hudson's river, and all the land from the west side of Connecticutt river to the east side of Delaware Bay : and also several other islands and lands in said Letters Patents mentioned, together with the rivers, harbours, mines, minerals, quarries, woods, marshes, waters, lakes, fishing, hawkings, huntings, and fowling, and all other royalties, profits, commodities and hereditaments to the said several islands, lands and premises belonging and appertaining, to have and to hold the said lands, islands, hereditaments and premises, with their and every of their appurtenances, unto his said Royal Highness JAMES Duke of York, his heirs and assigns for ever ; to be holden of his said Majesty, his heirs and successors, as of the manner of East Greenwich, in the County of Kent, in free and common soccage, yielding and rendering unto his said Majesty his heirs and successors of and for the same, yearly and every year, forty beaver skins, when they shall be demanded, or within ninety days after ; with divers other grants, clauses, provisos, and agreements, in the said recited Letters Patents contain'd, as by the said Letters Patents, relation being thereunto had, it doth and may more plainly and at large appear. Now this Indenture witnesseth, that his said Royal Highness JAMES Duke of York, for and in consideration of a competent sum of good and lawful money of England to his said Royal Highness JAMES Duke of York in hand paid by the said John Lord Berkley and Sir George Carteret, before the sealing and delivery of these presents, the receipt whereof the said JAMES Duke of York, doth hereby acknowledge, and thereof doth acquit and discharge the said John Lord

Berkley and Sir George Carteret forever by these presents, hath granted, bargained, sold, released and confirmed, and by these presents, doth grant, bargain, sell, release and confirm unto the said John Lord Berkley and Sir George Carteret, their heirs and assigns for ever, all that tract of land adjacent to New England, and lying and being to the westward of Long Island, and Manhitas Island, and bounded on the east part by the main sea, and part by Hudson's river, and hath upon the west Delaware bay or river, and extendeth southward to the main ocean as far as Cape May at the mouth of Delaware bay; and to the northward as far as the northermost branch of the said bay or river of Delaware, which is forty-one degrees and forty minutes of latitude, and crosseth over thence in a strait line to Hudson's river in forty-one degrees of latitude; which said tract of land is hereafter to be called by the name or names of New Ceaserea or New Jersey: and also all rivers, mines, mineralls, woods, fishings, hawking, hunting, and fowling, and all other royalties, profits, commodities, and hereditaments whatever, to the said lands and premises belonging or in any wise appertaining; with their and every of their appurtenances, in as full and ample manner as the same is granted to the said Duke of York by the before-recited Letters Patents; and all the estate, right, title, interest, benefit, advantage, claim and demand of the said JAMES Duke of York, of in or to the said and premises, or any part or parcel thereof, and the reversion and reversions, remainder and remainders thereof: All of which said tract of land and premises were by indenture, bearing date the day before the date hereof, bargain'd and sold by the said JAMES Duke of York, unto the said John Lord Berkeley and Sir George Carteret, for the term of one whole year to commence from the first day of May last past, before the date thereof, under the rent of a peper corn, payable as therein is mentioned as by the said deed more plainly may appear: by force and virtue of which said indenture of bargain and sale, and of the statute for transferring of uses into possession, the said John Lord Berkley and Sir George Carteret, are in actual possession of the said tract of land and premises, and enabled to take a grant and

release thereof, the said lease being made to that end and purpose, to have and to hold all and singular the said tract of land and premises ; with their, and every of their appurtenances, and every part and parcel thereof, unto the said John Lord Berkeley and Sir George Carteret, their heirs and assigns for ever, to the only use and behoof of the said John Lord Berkeley and Sir George Carteret their heirs and assigns for ever ; yielding and rendering therefore unto the said JAMES Duke of York, his heirs and assigns, for the said tract of land and premises, yearly and every year the sum of twenty nobles of lawful money of England, if the same shall be lawfully demanded at or in the Inner Temple Hall London, at the feast of St. Michael the Arch Angel yearly. And the said John Lord Berkley and Sir George Carteret for themselves and their heirs, covenant and grant to and with the said JAMES Duke of York, his heirs and assigns by these presents, that they the said John Lord Berkley and Sir George Carteret, their heirs and assigns, shall and will well and truly pay or cause to be paid unto the said JAMES Duke of York, his heirs and assigns, the said yearly rent of twenty nobles at such time and place, and in such manner and form as before in these presents is expressed and delivered. In witness whereof the parties aforesaid to these presents have interchangeably set their hands and seals, the day and year first above written.

Sign'd, seal'd and deliver'd
in the presence of

JAMES.

WILLIAM COVENRYE,
THOMAS HEYWOOD.

The Concession and Agreement of the Lords Proprietors of the Province of New Cæsarea, or New Jersey, to and with all and every the Adventurers and all such as shall settle or plant there.

The concessions. **I**MPRIMUS. We do consent and agree, that the Governor of the said Province hath power, by the advice of his council, to depute one in his place and authority, in case of death or removal, to continue until our further order, unless we have commissioned one before.

ITEM. That he hath likewise power to make choice of and to take to him six councellers at least, or twelve at most, or any even number between six and twelve, with whose advice and consent, or with at least three of the six, or four of a greater number (all being summon'd) he is to govern according to the limitations and instructions following, during our pleasure.

ITEM. That the chief Secretary or register which we have chosen, or shall choose, (we failing) that he shall choose, shall keep exact entries in fair books of all publick affairs: and to avoid deceits and lawsuits, shall record and enter all grants of land from the lords to the planters; and all conveyances of land, house or houses from man to man, as also all leases for land, house or houses, made or to be made by the landlord to any tenant for more than one year; which conveyance or lease shall be first acknowledged by the grantor or leasor, or proved by the oath of two witnesses to the lease or conveyance, before the Governor or some chief judge of a court for the time being, who shall under his hand on the backside of the said deed or lease, attest the acknowledgment or proof as aforesaid; which shall be a warrant for the register to record the same: which conveyance so recorded shall be good and effectual in law, notwithstanding any other conveyance, deed or lease

for the said land, house or houses, or for any part thereof, altho' dated before the conveyance, deed or lease, recorded as aforesaid : And the said register shall do all other thing or things that we by our instructions shall direct, and the Governor, Council and General Assembly shall ordain for the good and welfare of the said Province.

ITEM. That the Surveyor General, that we have chosen or shall choose, (we failing that the Governor shall choose) shall have power by himself or deputy, to survey, lay out and bound all such lands as shall be granted from the lords to the planters ; and all other lands within the said Province which may concern particular men as he shall be desired to do, and a particular thereof certify to the register to be recorded as aforesaid. Provided, that if the said register and surveyor, or either of them, shall misbehave themselves, as that the Governor and Council, or Deputy Governor and Council, or the major part of them, shall find it reasonable to suspend their actings in their respective employments, it shall be lawful for them so to do, until further orders from us.

ITEM. That the Governor, Councillors, Assembly Men, Secretary, Surveyor, and all other officers of trust, shall swear or subscribe (in a book to be provided for that purpose) that they will bear true allegiance to the King of England, his heirs and successors ; and that they will be faithful to the interests of the Lords Proprietors of the said Province and their heirs, executors and assigns ; and endeavour the peace and welfare of the said Province ; and that they will truly and faithfully discharge their respective trust in their respective offices, and do equal justice to all men, according to their best skill and judgement, without corruption, favour or affection ; and the names of all that have sworn or subscribed, to be entered in a book. And whosoever shall subscribe and not swear, and shall violate his promise in that subscription, shall be liable to the same punishment that the persons are or may be that have sworn and broken their oaths.

ITEM. That all persons that are or shall become subjects of the King of England, and swear, or subscribe allegiance to the King, and faithfulness to the

lords, shall be admitted to plant and become freemen of the said Province, and enjoy the freedoms and immunities hereafter express'd, until some stop or contradiction be made by us the Lords, or else the Governor, Council and Assembly, which shall be in force until the Lords see cause to the contrary: provided that such stop shall not any ways prejudice the right or continuance of any person that have been receiv'd before such stop or orders come from the General Assembly.

ITEM. That no person qualified as aforesaid within the said Province, at any time shall be any ways molested, punished, disquieted or called in question for any difference in opinion or practice in matter of religious concerns, who do not actually disturb the civil peace of the said Province; but that all and every such person and persons may from time to time, and at all times, freely and fully have and enjoy his and their judgments and consciences in matters of religion throughout the said Province, they behaving themselves peaceably and quietly, and not using this liberty to licentiousness, nor to the civil injury or outward disturbance of others; any law, statute or clause contained, or to be contained, usage or custom of this realm of England, to the contrary thereof in any wise notwithstanding.

ITEM. That no pretence may be taken by our heirs or assigns for or by reason of our right of patronage and power of advouson, granted by his Majesty's Letter's Patents, unto his Royal Highness JAMES Duke of York, and by his said Royal Highness unto us, thereby to infringe the general clause of liberty of conscience, aforementioned: we do hereby grant unto the General Assembly of the said Province, power by act to constitute and appoint such and so many ministers or preachers as they shall think fit, and to establish their maintenance, giving liberty beside to any person or persons to keep and maintain what preachers or ministers they please.

ITEM. That the inhabitants being freemen, or chief agents to others of the Province aforesaid; do as soon as this our commission shall arrive, by virtue of a writ in our names by the Governor to be for the present

(until our seal comes) sealed and signed, make choice of twelve deputies or representatives from amongst themselves; who being chosen are to join with the said Governor and council for the making of such laws, ordinances and constitution as shall be necessary for the present good and welfare of the said Province. But so soon as parishes, divisions, tribes and other distinctions are made, that then the inhabitants or freeholders of the several respective parishes, tribes, divisions and districtions aforesaid, do by our writts, under our seals, (which we ingage, shall be in due time issued) annually meet on the first day of January, and choose freeholders for each respective division, tribe or parish to be the deputies or representatives of the same: which body of representatives or the major part of them, shall, with the Governor and council aforesaid, be the General Assembly of the said Province, the Governor or his deputy being present, unless they shall wilfully refuse, in which case they may appoint themselves a president, during the absence of the Governor or the deputy Governor.

Which Assembly's are to have Power.

First. To appoint their own time of meeting Power of As and to adjourn their sessions from time to time sembly's. to such times and places as they shall think convenient; as also to ascertain the number of their quorum; provided that such numbers be not less than the third part of the whole, in whom (or more) shall be the full power of the General Assembly.

II. To enact and make all such laws, acts and constitutions as shall be necessary for the well government of the said Province, and them to repeal: provided, that the same be consonant to reason, and as near as may be conveniently agreeable to the laws and customs of his majesty's kingdom of England: *provided also*, that they be not against the interest of us the Lords Proprietors, our heirs or assigns, nor any of those our concessions, especially that they be not repugnant to the article for liberty of conscience abovementioned: which laws so made shall receive publication from the Governor and council (but as the laws of us and our General Assembly) and be in force for the space of one year and no more, unless contradicted by the Lords Proprietors, within

which time they are to be presented to us, our heirs, &c. for our ratification ; and being confirmed by us, they shall be in continual force till expired by their own limitation, or by act of repeal in like manner to be passed (as aforesaid) and confirmed.

III. By act as aforesaid, to constitute all courts, together with the limits, powers and jurisdictions of the same; as also the several offices and number of officers belonging to each court, with their respective salaries, fees and perquisites ; their appellations and dignities, with the penalties that shall be due to them, for the breach of their several and respective duties and trusts.

IV. By act as aforesaid, to lay equal taxes and assessments, equally to raise moneys or goods upon all lands (excepting the lands of us the Lords Proprietors before settling) or persons within the several precincts, hundreds, parishes, manors, or whatsoever other divisions shall hereafter be made and established in the said Province, as oft as necessity shall require, and in such manner as to them shall seem most equal and easy for the said inhabitants ; in order to the better supporting of the publick charge of the said Government, and for the mutual safety, defence and security of the said Province.

V. By act as aforesaid, to erect within the said Province, such and so many manors, with their necessary courts, jurisdictions, freedoms, and privileges, as to them shall seem meet and convenient : As also to divide the said Province into hundreds, parishes, tribes, or such other divisions and districtions, as they shall think fit ; and the said divisions to distinguish by what names we shall order or direct ; and in default thereof, by such names as they please : As also in the said Province to create and appoint such and so many ports, harbours, creeks, and other places for the convenient lading and unlading of goods and merchandizes, out of ships, boats and other vessels, as shall be expedient ; with such jurisdictions, privileges and franchises to such ports, &c. belonging, as they shall judge most conducing to the general good of the said Plantation or Province.

VI. By their enacting to be confirm'd as aforesaid, to erect, raise and build within the said Province or any

part thereof, such and so many forts, fortresses, castles, cities, corporations, boroughs, towns, villages, and other places of strength and defence ; and them or any of them, to incorporate with such charters and privileges, as to them shall seem good, and the grant made unto us will permit ; and the same or any of them to fortify and furnish with such provisions and proportion of ordnance, powder, shot, armour, and all other weapons, ammunition and habiliments of war, both offensive and defensive, as shall be thought necessary and convenient for the safety and welfare of the said Province. But they may not at any time demolish, dismantle or disfurnish the same, without the consent of the Governor and the major part of the council of the said Province.

VII. By act (as aforesaid) to constitute train'd bands and companies, with the number of soldiers, for the safety, strength and defence of the said Province ; and of the forts, castles, cities, &c. To suppress all mutinies and rebellions ; to make war offensive and defensive with all Indians, strangers and foreigners, as they shall see cause ; and to pursue an enemy as well by sea as by land, if need be, out of the limits and jurisdictions of the said Province, with the particular consent of the Governor, and under his conduct, or of our commander in chief, or whom he shall appoint.

VIII. By act (as aforesaid) to give to all strangers, as to them shall seem meet, a naturalization, and all such freedoms and privileges within the said Province as to his majesty's subjects do of right belong, they swearing or subscribing as aforesaid ; which said strangers, so naturalized and privileged, shall be in all respects accounted in the said Province, as the Kings natural subjects.

IX. By act (as aforesaid) to prescribe the quantity of land which shall be from time to time, allotted to every head, free or servant, male or female, and to make and ordain rules for the casting of lots for land and the laying out of the same ; *provided*, that they do not in their prescriptions exceed the several proportions which are hereby granted by us to all persons arriving in the said Province or adventuring thither.

X. The General Assembly by act, as aforesaid, shall make provision for the maintenance and support of the Governor, and for the defraying of all necessary charges for the government; as also that the constables of the said Province shall collect the Lords rent, and shall pay the same to the receiver that the Lords shall appoint to receive the same; unless the General Assembly shall prescribe some other way whereby the Lords may have their rents duly collected, without charge or trouble to them.

XI. Lastly to enact, constitute and ordain all such other laws, acts and constitutions as shall or may be necessary for the good, prosperity and settlement of the said Province, excepting what by these presents is excepted, and conforming to the limitations herein expressed.

The Governor is with his Council before Express'd.

The Governors power. *First.* To see that all courts establish'd by the laws of the General Assembly, and all ministers and officers, civil and military, do and execute their several duties and offices respectively, according to the laws in force; and to punish them for swerving from the laws, or acting contrary to their trust, as the nature of their offences shall require.

II. According to the constitution of the General Assembly, to nominate and commissionate, the several judges, members and officers of courts, whether magistratical or ministerial and all other civil officers, coroners, &c. and their commissions, powers and authority to revoke at pleasure: *provided*, that they appoint none but such as are freeholders in the Province aforesaid, unless the General Assembly consent.

III. According to the constitution of the General Assembly, to appoint courts and officers in cases criminal; and to empower them to inflict penalties upon offenders against any of the laws in force in the said Province, as the said laws shall ordain; whether by fine, im-

prisonment, banishment, corporal punishment, or to the taking away of member or life itself if there be cause for it.

IV. To place officers and soldiers for the safety, strength and defence of the forts, castles, cities &c. according to the number appointed by the General Assembly, to nominate, place and commissionate all military officers under the dignity of the said Governor, who is commissioned by us over the several train'd bands and companies, constituted by the General Assembly, as colonels, captains, &c. and their commissions to revoke at pleasure. The Governor with the advice of his Council, unless some present danger will not permit him, to advise to muster and train all forces within the said Province, to prosecute war, pursue an enemy, suppress all rebellions, and mutinies, as well by sea as land; and to exercise the whole militia as fully as we by the grant from his Royal Highness can empower them to do: *Provided*, that they appoint no military forces but what are freeholders in the said Province, unless the General Assembly shall consent.

V. Where they see cause, after condemnation, to reprove until the case be presented, with a copy of the whole tryal, proceedings and proofs to the Lords, who will accordingly either pardon or command execution of the sentence on the offender; who is in mean time to be kept in safe custody till the pleasure of the Lords be known.

VI. In case of death or other removal of any of the Representatives within the year, to issue summons by writ to the respective division or divisions, for which he or they were chosen, commanding the freeholders of the same to choose others in their stead.

VII. To make warrants and seal grants of lands, according to those our concessions and the prescriptions, by the advice of the General Assembly in such form as shall be at large set down in our instructions to the Governor in his commission, and which are hereafter express'd.

VIII. To act and do all other things that may con-

duce to the safety, peace and well-government of the said Province, as they shall see fit ; so as they be not contrary to the laws of the said Province.

For the better Security of the Proprieties of all the Inhabitants.

For the better
Security of the
Inhabitants.

First. They are not to impose nor suffer to be imposed, any tax, custom, subsidy, tallage, assessment, or any other duty whatsoever upon any colour or pretence, upon the said Province and inhabitants thereof, other than what shall be imposed by the authority and consent of the General Assembly, and then only in manner as aforesaid.

Land quietly
Possessed seven
years not to be
re-surveyed.

II. They are to take care, that lands quietly held, planted and possessed seven years, after its being duly survey'd by the Surveyor General, or his order, shall not be subject to any review, re-survey or alteration of bounders, on what pretence soever by any of us, or by any officer or minister under us.

III. They are to take care, that no man, if his cattle stray, range or graze on any ground within the said Province, not actually appropriated or set out to particular persons, shall be lyable to pay any trespass for the same, to us, our heirs or executors: *Provided*, that custom of commons be not thereby pretended to, nor any person hindered from taking up, and appropriating any lands so grazed upon: And that no person doth purposely suffer his cattle to graze on such lands.

And that the Planting of the said Province may be the more speedily promoted.

I. We do hereby grant unto all persons who have already adventured to the said Province of New Cæsarea or New Jersey, or shall transport themselves, or servants, before the first day of January, which shall be in the year of our Lord one thousand six hundred sixty-five, these following proportions, viz: To every freeman that

shall go with the first Governor, from the port where he embarks, or shall meet him at the rendezvous he appoints, for the settlement of a plantation there, arm'd with a good musket, bore twelve bullets to the pound, with ten pounds of powder, and twenty pounds of bullets, with bandiliers and match convenient, and with six months provision for his own person arriving there, one hundred and fifty acres of land English measure; and for every able servant that he shall carry with him, arm'd and provided as aforesaid, and arriving there, the like quantity of one hundred and fifty acres English measure: And whosoever shall send servants at that time, shall have for every able man servant he or she shall send, armed and provided as aforesaid, and arrive there, the like quantity of one hundred and fifty acres: And for every weaker servant, or slave, male or female, exceeding the age of fourteen years, which any one shall send or carry, arriving there, seventy five acres of land: And for every Christian servant, exceeding the age aforesaid, after the expiration of their time of service, seventy five acres of land for their own use.

II. ITEM. To every master or mistress that shall go before the first day of January, which shall be in the year one thousand six hundred sixty five; one hundred and twenty acres of land. And for every able man servant, that he or she shall carry or send, arm'd and provided as aforesaid, and arriving within the time aforesaid, the like quantity of one hundred and twenty acres of land: And for every weaker servant or slave, male or female, exceeding the age of fourteen years, arriving there, sixty acres of land: And to every Christian servant to their own use and behoof sixty acres of land.

III. ITEM. To every free man and free woman that shall arrive in the said Province, arm'd and provided as aforesaid, within the second year, from the first day of January 1665 to the first day of January one thousand six hundred sixty six, with an intention to plant, ninety acres of land English measure: And for every man servant that he or she shall carry or send, armed and provided as aforesaid, ninety acres of land of like measure.

IV. ITEM. For every weaker servant or slave, aged as aforesaid, that shall be so carried or sent thither

within the second year, as aforesaid, forty five acres of land of like measure: And to every Christian servant that shall arrive the second year, forty five acres of land of like measure, after the expiration of his or their time of service, for their own use and behoof.

V. ITEM. To every free man and free woman, armed and provided as aforesaid, that shall go and arrive with an intention to plant, within the third year from January 1666 to January 1667, armed and provided as aforesaid, threescore acres of land of like measure: And for every able man servant, that he or they shall carry or send within the said time, armed and provided as aforesaid, the like quantity of threescore acres of land. And for every weaker servant or slave, aged as aforesaid, that he or they shall carry or send within the third year, thirty acres of land: And to every Christian servant so carried or sent in the third year, thirty acres of land of like measure, after the expiration of their time of service. All which land, and all other that shall be possessed in the said Province, are to be held on the same terms and conditions as is before mentioned, and as hereafter in the following paragraphs is more at large express'd. *Provided always*, that the before mentioned land and all other whatsoever, that shall be taken up and so settled in the said Province, shall afterward from time to time for the space of thirteen years from the date hereof, be held upon the conditions aforesaid, continuing one able man servant or two such weaker servants as aforesaid, on every hundred acres a master or mistress shall possess, besides what was granted for his or her own person: In failure of which upon other disposeure to the present occupant, or his assigns, there shall be three years given to such for their compleating the said number of persons, or for their sale or dispositions of such part of their lands as are not so people'd within such time of three years. If any such person holding any land shall fail by himself his agents, executors or assigns, or some other way to provide such number of persons, unless the General Assembly shall without respect to poverty, judge it was impossible for the party so failing, to keep or procure his or her number of servants to be provided as aforesaid; in such case we the Lords to have power of disposing of so much of such land as shall not be planted with its due number of persons as a-

foresaid, to some others that will plant the same. *Provided always,* That no person arriving in the said Province, with purpose to settle (they being subjects or naturalized as aforesaid) be denied a grant of such proportions of land as at the time of their arrival that are due to themselves or servants, by concession from us as aforesaid; but have full licence to take up and settle the same, in such order and manner as is granted or prescrib'd. All lands (notwithstanding the powers in the Assembly aforesaid) shall be taken up by warrant from the Governor, and confirm'd by the Governor and Council, under a seal to be provided for that purpose, in such order and method as shall be set down in this declaration, and more at large in the instruction to the Governors, and Council.

And that the lands may be the more regularly laid out and all persons the better ascertain'd of their title and possession.

I. The Governor and Council and General Assembly (if any be) are to take care and direct, that all lands be divided by general lots, none less than two thousand one hundred acres, nor more than twenty one thousand acres in each lot, excepting cities, towns, &c. and the near lots of townships; and that the same be divided into seven parts, one seventh part to us, our heirs and assigns; the remainder to persons as they come to plant the same, in such proportions as is allowed.

II. ITEM. That the Governor, or whom he shall depute, in case of death or absence, if some be not before commissioned by us as aforesaid, do give to every person to whom land is due, a warrant sign'd and seal'd by himself, and the major part of his Council, and directed to the Surveyor General, or his deputy, commanding him to lay out, limit and bound acres of land, as his due proportion, is for such a person, in such allotment, according to the warrant; the Register having first recorded the same, and attested

the record upon the warrant ; The Surveyor General, or his deputy, shall proceed and certify to the chief Secretary or Register, the name of the person for whom he hath laid out land, by virtue of what authority, the date of the authority or warrant, the number of acres, the bounds, and on what point of the compass the several limits thereof lye; which certificate the Register is likewise to enter in a book to be prepared for that purpose, with an alphabeticall table, referring to the book, that so the certificate may be the easier found; and then to file the certificates, and the same to keep safely : The certificate being entered, a warrant comprehending all the particulars of land mentioned in the certificate aforesaid, is to be signed and sealed by him and his Council, or the major part of them as aforesaid, they having seen the entry and directed to the Register or chief Secretary for his preparing a grant of the land to the party for whom it is laid out, which grant shall be in the form following, viz.

The Lords proprietors of the Province of New Cæsarea or New Jersey, do hereby grant unto A. B. of the
in the Province aforesaid, a plantation containing
acres English measure, bounded (as in the certificate) to
hold to him or her, his or her heirs or assigns for ever,
yielding and paying yearly to the said Lords Proprietors,
their heirs or assigns, every five and twentieth day of March,
according to the English account, one halfpenny of lawful
money of England, for every of the said acres, to be holden
of the manner of East-Greenwich, in free and common soc-
cage; the first payment of which rent to begin the five and
twentieth day of March, which shall be in the year of our
Lord one thousand six hundred and seventy, according to
the English account. Given under the seal of the said
province the day of in the year of
our Lord 166

To which instrument the Governor or his deputy hath hereby full power to put the seal of the said Province, and to subscribe his name, as also the Council, or the major part of them, are to subscribe their names; and then the instrument or grant is to be by the Register recorded in a book of records for that purpose; all which being done according to those instructions we hereby de-

clare, that the same shall be effectual in law for the enjoyment of the said plantation, and all the benefits and profits of and in the same (except the half part of mines of gold and silver) paying the rents as aforesaid : *Provided*, that if any plantation so granted, shall by the space of three years be neglected to be planted with a sufficient number of servants, as is before mentioned, that then it shall be lawful for us otherwise to dispose thereof, in whole or in part, this grant notwithstanding.

III. ITEM. We do also grant convenient proportions of land for highways and for streets, not exceeding one hundred foot in breadth in cities, towns and vilages, &c. and for churches, forts, wharfs, kays, harbours and for publick houses; and to each parish for the use of their ministers two hundred acres, in such places as the General Assembly shall appoint.

IV. ITEM. The Governor is to take notice, that all such lands laid out for the uses and purposes aforesaid, in the next preceeding article, shall be free and exempt from all rents, taxes and other charges and duties whatsoever, payable to us, our heirs or assigns.

V. ITEM. That in laying out lands for cities, towns, vilages, boroughs, or other hamblets, the said lands be divided into seven parts ; one seventh part whereof to be by lot laid out for us, and the rest divided to such as shall be willing to build thereon, they paying after the rate of one penny or half-penny per acre (according to the value of the land) yearly to us, as for their other lands as aforesaid; which said lands in cities, towns, &c. is to be assured to each possessor by the same way and instrument as is before mentioned.

VI. ITEM. That all rules relating to the building of each street, or quantity of ground to be allotted to each house within the said respective cities, boroughs and towns, be wholly left by act as aforesaid, to the wisdom and discretion of the General Assembly.

VII. ITEM. That the inhabitants of the said Province have free passage thro' or by any seas, bounds, creeks, rivers or rivelets, &c. in the said Province,

thro' or by which they must necessarily pass to come from the main ocean to any part of the Province aforesaid.

VIII. Lastly. It shall be lawful for the representatives of the Freeholders, to make any address to the Lords touching the Governor and Council, or any of them, or concerning any grievances whatsoever, or for any other thing they shall desire, without the consent of the Governor and Council, or any of them. Given under our seal of our said Province the tenth day of February in the year of our Lord one thousand six hundred sixty and four.

JOHN BERKLEY,
G. CARTERET.

John Lord Berkley, Baron of Stratten and Sir George Carteret, Knight and Baronet Vice Chamberlain of His Majesty's Household; the true and absolute Lords Proprietors of all the Province of New Cæsarea or New Jersey, to our trusty and well beloved Philip Carteret, send greeting.

Commission to
Governor Carteret.

WE do hereby constitute and appoint you (during our will and pleasure) Governor of all that tract of land adjacent to New England, and lying and being to the westward of Long Island and Manhattans Island, and bounded by the east, part by the main sea and part by Hudson's river; and having upon the west Delaware Bay, and to the northward as far as the northermost branch of the said bay or river of Delaware, which is in forty one and forty degrees

of latitude, crossing over thence in a straight line to Hudson's river in forty one degrees of latitude, now commonly called by the names of New Cæsarea or New Jersey ; and of all the islands, inlets, rivers and seas within the said bounds of our said province ; with power to nominate and take unto you twelve able men at most, and six at least, to be of your council and assistance, or any even number between six and twelve, unless we have before made choice of, or shall choose all, or any of them : and we do further constitute and appoint you to be our Governor (during our will and pleasure) of all the Province and tract of land aforesaid ; and of all our forces raised and to be raised within our said Province and tract of land, for the security of the same, and to the parts adjacent, over which, you are to place and commissionate officers, and to cause them to be duly exercised in arms, and to do all and every other thing and things which unto the share and office of Governor doth belong, or hath accustomed to belong, as fully and freely as any Governor hath ever had ; commanding all inferior offices and soldiers of our said armies you to obey as their Governor, according to this our commission, and the powers hereby given unto you, and according to the laws and discipline of war. And you yourself also are to observe and follow such orders, and directions as from time to time you shall receive from us, and in all things to govern yourself as to your duty and place doth appertain. Given under our great seal of our said Province, the tenth day of February, one thousand six hundred and sixty four.

John Lord Berkley Baron of Stratton,
and Sir George Carteret, Knight and
Baronet, Vice Chamberlain of his Maj-
esty's Household, the true and absolute
Lords Proprietors of New Cæsarea or
New Jersey.

Instructions to
Governor Car-
teret and Coun-
cil.

TO our trusty and well beloved Philip Car-
teret, Esq; governor of all that tract of
land adjacent to New England, and lying and
being to the westward of Long Island and Manhitans Island
and bounded on the main sea, and part by Hudson's river,
and having upon the west Delaware bay or river, and ex-
tending southward to the main ocean as far as Cape May, at
the mouth of Delaware bay; and to the northward as far as
the northermost branch of the said bay or river of Delaware
which is in forty one degrees and forty minutes of lattitude;
and crosseth over thence in a strait line to Hudson's river
in forty one degrees of lattitude, now commonly known by
the name or names of New Casarea, or New Jersey; and of
all the islands, inlets, rivers and seas within the said bounds
of our said Province, and to our trusty and well beloved
councillors and assistants to our said Governor, greeting.

Be it known to all men, that we the said Lords proprietors
of the said tract of land or Province aforesaid, for divers
good causes and considerations, but more especially out of
the trust and confidence we reposed in you our said Governor
and counsellors, for the faithful management of the powers
and authorities by us to you given, to the best avail and im-
provement of our interest and dominion of the said Province
and tract of land, and for the best avail and improvement of
the interest, liberty, property and defence of all such as shall
plant and inhabit there, have given, granted and by these
presents do give and grant, (during our will and pleasure)
unto our Governor, by and with advice and consent of our
said Council, or any three or more of the six, or four or more

of a greater number, full and absolute power and authority for us, and in our names, to let, sell, convey and assure such land in our said Province, to such person and persons, and for such estate and estates, and with such provisions, conditions and limitations as we by our concessions and agreement, under our hand and seal bearing date with these presents, to and with the adventurers are obliged to grant, and as you shall be directed by such other instructions and rules as from time you shall receive from us, and not otherwise ; hereby ratifying and confirming whatsoever you shall lawfully do pursuant to our said concessions, and to such instructions, rules and directions as aforesaid ; and also to make, do, perform and execute all and every act and acts, thing and things, powers and authorities whatsoever, which we ourselves, may, can, ought or could do in, for, relating or concerning the government both civil and military of the said Province and tract of land, by virtue of the Letters Patents of his Most Excellent Majesty CHARLES the Second, by the grace of God King of England, Scotland, France and Ireland, bearing date at Westminster last past, made of the premises amongst other things, to His Royal Highness JAMES Duke of York, and his heirs, and since by indenture dated the twenty fourth day of June last past, for the considerations therein mentioned, by his said Royal Highness, granted unto us, our heirs and assigns, to be exercised ; nevertheless according to such instructions, and with such limitations, restrictions, conditions and provisions, as in these presents are hereafter contain'd ; hereby ratifying, allowing and confirming all and every such act and acts, thing and things, which our said Governor and Councillors in our names shall do in the premises, pursuant to the authority hereby committed : *Provided*, and it is hereby declared, that this present deed, or any thing therein contained, doth not extend, or shall be deem'd or taken to extend, to give up to our said Governor or Councillors, or either or any of them, any power or authority to make any manner of grant, conveyance or demise, or other like disposition of any lands lying within, or being part of the said Province, but according to our said concessions and instructions ; reserving for every acre, English measure, which by virtue of this authority you shall grant to any person or persons, one half-penny lawful money of England, yearly rent ; to be paid to us our heirs and assigns forever, on every five

and twentieth day of March according to the English account; the first payment thereof to begin on the twenty fifth day of March which shall be in the year of our Lord, according to the English account, one thousand six hundred and seventy. *Provided also*, that no laws nor order made or to be made by virtue of this our authority, shall be in force as a law for any longer time than one year and a half; within one year of which time, they shall be transmitted and presented to us for our assent, which being given, they shall be in continual force till expired by their own limitation, or by act repealed, to be confirm'd as aforesaid. *Provided also*, that all the executive part of all the said powers hereby made and given, shall be made and exercised by our said Governor, to and with the advice of the major part of our Council, or the major part of them resident in our said Province, &c. and as in their discretions to them shall seem most fit to serve and supply our said Province, of such person respectively during their absence from our said Province and tract of land aforesaid; giving and granting unto him or them so chosen, during the absence of our said Governor and Councillors, as full, large and ample powers, as by these presents to our said Governor and Councillors we have given; any thing in these presents in any ways notwithstanding. And also in case of death or removal of any member of our said Council, from time to time, to note, nominate and appoint fit and able persons in their stead or place respectively; which person so nominated and chosen shall exercise all powers to the said offices respectively belonging, till our pleasure be signified to the contrary. And lastly, if our Governor and Councillors shall happen to find any natives in our said Province and tract of land aforesaid, that then you treat them with all humanity and kindness, and not in any wise greive or oppress them, but endeavour by a Christian carriage to manifest piety, justice and charity, and in your conversation with them, the manifestation whereof will prove beneficial to the planters, and likewise advantageous to the propagation of the gospel. *Provided also*, that it shall be lawful for the representatives of the Freeholders to make any address to the Lords touching the Governor and Council, or any of them, or whatsoever or for any thing they shall desire, without the consent of the Governor and Council. Gi-

ven under the Seal of our said Province the tenth day of February in the Year of our Lord one thousand six hundred sixty-four.

JOHN BERKLEY,
G. CARTERET.

Copy of His Royal Highness the Duke of York's Letter to Colonel Lovelace.

COLONEL LOVELACE,

I did in the year 1664 by deed under my hand and seal of the 24th of June, for the consideration therein mentioned, grant unto John Lord Berkley, of Stratton, and Sir George Carteret, Knight and Baronet, their heirs and assigns, all that tract of land adjacent to New England to go westward of Long Island and Manhatans Island, as the same is bounded and set forth in and by the said deed, with all appurtenances whatsoever to the said lands and premises belonging, in as full and ample manner as the same is granted unto me by His Majesty's Letters Patents, under the Great Seal of England, bearing date the 12th day of March, in the 15th year of His Majesty's reign; of which said premises they were actually possessed by virtue of an indenture of lease by me made unto them, all which hath been sufficiently notified in those parts; both by the said grantees publicly pursuing the end of the said grant, and by my letters of the 28th of November 1664 to Colonel Nicholls, then Governor of my Territories in America, signifying the same to him, and requiring him and all others therein concerned, to yield their best assistance in the quiet possession and enjoyment of the premises to all such persons as my said grantees should at any time appoint, and authorize to negotiate their affairs in those parts.

Copy of His
Royal Highness
the Duke of
York's Letter to
Colonel Love-
lace.

Nevertheless I am informed that some contentious persons there, do lay claim to certain tracts of these

32 Declaration of the Proprietors, &c.

lands under colour of pretended grants thereof from the said Colonel Nicholls, namely one of the first of December 1664 to John Baker and his associates ; and another of the 8th of April to William Golding and his associates ; both which grants (being posterior to my said grant of the 24th of June) as I am informed are void in law, and therefore I would have you take notice yourself, and when occasion offers, make known to the said persons, and to all others, if any be pretending from them, that my intention is not at all to countenance their said pretensions nor any other of that kind, tending to derogate in the least form any grant above mentioned to the said John Lord Berkeley and Sir George Carteret, their heirs and assigns ; and they my said grantees, having promised to give effectual directions to their deputies and agents there to be assisting to you, I do desire you and all others herein concern'd, in like manner effectually to assist them in furthering the settlement and maintaining the quiet of these parts.

Your Loving Friend

JAMES.

WHITEHALL 25th of November, 1672.

A Declaration of the true Intent and Meaning of us the Lords Proprietors, and Explanation of there Concessions made to the Adventurers and Planters of New Cæsarea or New Jersey.

The Lords proprietors Declaration of the true Intent and meaning of their Concessions.

I. **T**HAT as to the 6th Article, it shall be in the power of the Governor and his Council to admit of all persons to become planters and free men of the said Province, without the General Assembly ; but no person or persons whatsoever shall be counted a freeholder of the said Province, nor have any vote in electing, nor be capable of being elected for any office of trust, either civil or military, until he doth actually hold his or their lands by patent from us, the Lords proprietors.

II. As to the 8th article, it shall be in the power of the Governor and Council, to constitute and appoint such ministers and preachers as shall be nominated and chosen by the several corporations, without the General Assembly, and to establish their maintenance, giving liberty besides to any person or persons to keep and maintain what preachers or ministers they please.

As to the General Assembly.

I. That it shall be in the power of the Governor and his Council to appoint the times and places of meeting of the General Assembly, and to adjourn and summon them together again when and where he and they shall see cause.

II. To the third ; that it is to be understood, that it is in the power of the Governor and his Council to constitute and appoint courts in particular corporations already settled, without the General Assembly ; but for the courts of sessions and assizes to be constituted and established by the Governor Council and representatives together : and that all appeals, shall be made from the assizes, to the Governor and his Council, and thence to the Lords proprietors ; from whom they may appeal to the king, and that no more corporations be confirm'd but by or with the special order of us the Lords proprietors.

III. To the ninth article : that the Governor and his Council may dispose of the allotments of land to each particular person, without the General Assembly according to our directions, as he and they shall think fit.

Concerning the Governor.

I. As to the second and third article ; all officers civil and military (except before excepted) be nominated and appointed by the Governor and Council, without the General Assembly, unless he the said Governor and Council shall see occasion for their advice and assistance.

34 Declarations of the Proprietors.

II. As to the fourth article, in case of foreign invasion or intestine mutiny or rebellion ; it shall be lawful for the Governor and his Council to call in to their aid, any persons whatsoever whether freeholder or not.

III. That in the sixth article, concerning the regular laying out of lands, rules for building each street in townships, and quantities of ground for each house lot, the same is left to the freeholders or first undertakers thereof, as they can agree with the Governor and Council, and not to the General Assembly, but to be laid out by the surveyor general.

IV. That all warrants for lands not exceeding the proportions in the concessions, being only sign'd by the Governor and Secretary shall be effectual in case his Council or any part of them be not present.

We the Lords proprietors do understand that in all General Assembly's, the Governor and his Council are to set by themselves, and the deputies or representatives by themselves, and whatever they do propose to be presented to the Governor and his Council, and upon their confirmation to pass for an act or law when confirm'd by us. Witness our hands and seals the 6th day of December, 1672.

JOHN BERKLEY,
G. CARTERET.

The Declaration of us the Lords Proprietors of the Province of New Cæsarea or New Jersey, to all Adventurers, Planters, Inhabitants, and all other Persons to whom it may concern, within any Town and Plantations in the said Province.

WE being made very sensible of the great disorders in the said Province occasioned by several persons, to the great prejudice of ourselves, our Governor and Council, and all other peaceable and well minded inhabitants within our said Province, by claiming a right of propriety both of land and government.

The Lords Proprietors · Declaration to the Inhabitants of this Province.

I. We do therefore hereby declare, that all lands granted by our Governor to the 28th of July 1672, and confirm'd in our names by patents or charters upon record in our Secretary's office, and under our Province seal, sign'd by him, and the major part of his Council, shall remain to the particular owners thereof, their heirs, &c. for ever, with all the benefits, profits and priviledges therein contain'd, they performing what they are obliged unto in every of the said respective Patents or Charters.

II. For such as pretend to a right of propriety to land and government, within our Province, by virtue of any patent from Governor Colonel Richard Nichols, as they ignorantly assert, we utterly disown any such thing. A grant they had from him upon such conditions which they never perform'd : For by the said grant they were obliged to do and perform such acts and things as should be appointed by His Royal Highness, or his deputies ; the power whereof remains in us by virtue of a patent from his said Royal Highness, bearing date long before these grants ; which hath been often declared by our Governor (and now ratified and owned under the sign manual of his said Royal Highness to Colonel Lovelace,

36 Declaration of the Proprietors.

bearing date the 25th of November 1672) who demanded their submission to our authority, and to patent their land from us, and pay our quit rent according to our concessions; which if they had done, or shall yet do, we are content that they shall enjoy the tract or tracts of land they are settled upon, and to have such other priviledges and immunities as our Governor and Council can agree upon; but without their speedy compliance as above said, we do hereby order our Governor and our Council to dispose therefore in whole or in part, for our best advantage to any other persons. And if any person or persons do think they have injustice or wrong done by this our positive determination, they may address themselves to the King and Council; and if their right to that land or government appears to be better than ours, we will readily submit thereunto.

III. Our order is, that those persons that were the chief actors in attempting the making an alteration in our government, be proceeded against according to a declaration of our Governor and Council, bearing date the twenty-eighth day of May 1672, except they shall immediately upon publication hereof make their addresses to our Governor and Council for remission of their offences. And that all persons that have sustain'd any loss or damage by maintaining our just right and interest since the 26th day of March 1672 may have reparation in law, with their charges they have and shall be at in any court or courts within our said Province, that are or shall be constituted and commissioned by special commission from our Governor, according to a declaration by our Governor and Council bearing date the third day of April 1672.

IV. That all grants of land, conveyances, surveys or any other pretences, for the hold of land whatsoever within our said Province, that are not derived from us, according to the prescriptions in our concessions, and entered upon record in our Secretary's office in our said Province, we declare to be null and void in law.

V. That the constable of every respective town within our Province, shall have power by warrant from our Governor to take by way of distress from every individual inhabitant within their respective jurisdictions, their just proportion of rent due to us yearly, beginning the 25th day of March 1670, and for his charge and trou-

Directions to the Gov. & Council. 37

ble about the same, if they refuse to deliver it in at some convenient place, which the said constable shall appoint within their respective jurisdictions, by the 25th day of March yearly, the constables only to be accountable to our Receiver General: And altho' our concessions say it shall be paid in current or lawful money of England; yet at the request of our Governor and Council, we shall accept of it in such merchantable pay as the country doth produce at merchants price to the value of money sterling; and if by this means we cannot obtain our rent, then the Marshal of the Province shall be impowerd as abovesaid, to collect the same at the charge of such the inhabitants as do refuse to pay at the time and places as aforesaid.

VI. That all matters and causes which have been tried in our Province by special commission from our Governor, upon which judgment hath pass'd according to law, be allowed by us and be forthwith put in execution. Witness our hands and seals the 6th day of December 1672.

J. BERKELEY, Seal.
G. CARTERET, Seal.

Directions for the Governor and Council of New Cæsarea or New Jersey.

THAT the land is to be purchased by the Governor and Council from the Indians, in the name of us the Lords proprietors, and then every individual person is to reimburse us, at the same rate it was purchased.

The Lords Proprietors Directions to the Governor and Council of New Jersey.

That we the Lords proprietors will build a prison and a house for the keeper at our own proper cost and charges, out of the product of the quit-rents, where the Governor and Council shall think fit, and that we will send over guns and ammunition as a magazine, but all other charges are to be defray'd by the country; and that all writs be issued in his Majesty's name, ex-

38 Copy of His Majesty's Letter.

cept the summoning of Burgessess, which is to be in our names.

That in case of appeals, the appealant if cast upon his appeal, for England, shall pay as a fine to the Judge, twelve pounds besides all costs and damages, and to give in security in one hundred pounds there, for the prosecuting the same within eight months.

That all strays of beasts by lands, and wrecks at sea, belong to us in the Lords proprietors, and that all persons that shall discover any such thing, shall have such satisfaction for their pains and care, as the Governor and Council shall think fit.

That the arrears of the quit-rents of Elizabethtown, Newark, Piscataquay, and the two towns of Navesink, and all others that have not paid since the year 1670 be paid to our Receiver General in three years from 1673, at the rate of one half-penny a year for every acre, besides their growing rent, until their arrearages be satisfied and paid.

That as to the maintenance of the Governor, we hope that the country, according to the concessions, will take into their consideration. Given under our hands and seals at Whitehall, the seventh day of December, *Anno Domini*, 1672.

J. BERKELEY, Seal.

G. CARTERET, Seal.

Charles, R.

Copy of his
Majesty's Letter,
to Capt.
John Berry,
Deputy Governor
and his
Council.

TRUSTY and well beloved, we greet you well. Having been informed that some turbulent and disaffected persons, living and inhabiting within the Province of Cæsarea or New Jersey, (the Propriety whereof we have granted to our right, trusty and well beloved Councillors, John Lord Berkeley of Stratton, and Sir

Copy of the Lords Proprietors Letter. 39

George Carteret Knight and Baronet) do refuse to submit and be obedient to the authority derived from us, to the said Lord Berkeley, and Sir George Carteret as absolute proprietors of the same, to the great prejudice of the said Lords Proprietors, the disturbance of the inhabitants, and hindrance of the whole Plantation there design'd. We do therefore hereby require you in our name, strictly to charge and command all persons whatsoever inhabiting within the said Province, forthwith to yield obedience to the laws and government there settled and established by the said Lords Proprietors, having the sole power under us to settle and dispose of the said country, upon such terms and conditions as they shall think fit, and we shall expect a ready compliance with this our will and pleasure from all persons whatsoever, dwelling or remaining within the aforesaid Province, upon pain of incurring our high displeasure, and being proceeded against with due severity according to law, whereof you are to give publick notice to all persons that are or may be concerned, and so we bid you farewell. Given at our Court at Whitehall the 9th day of December 1672, in the twenty fourth year of our reign.

By his Majesty's command,

HENRY COVENTRY.

WHITEHALL, the 10th December, 1672.

WE hope as soon as this comes to your hands, and that you have perused these papers, which we have sent by Mr. Moore, the turbulent spirits in that Province will not continue any longer in their obstinate and wanted extravagancies, but will be satisfied with his Royal Highness's letter to Colonel Lovelace, whom we desire you to assist on all occasions, the copy of which letter this bearer brings with him to deliver unto you, and when receiv'd we desire you to publish the same, with all other orders from us to the several inhabitants, that they may be inform'd of their mistakes, and how they have been misled; for you will find his Royal Highness doth declare, that the grants of Colonel Nicholls is posterior to our Patent, and therefore both in law and equity the

Copy of the
Lords Proprietors
Letter to
the Deputy Governor
and Council.

40 A Letter from the Lords Proprietors.

right is solely in us, and upon that account we have sent over our determinations concerning the hold of lands, as also our interpretation of some articles in our concessions, according to which we desire you to act, and not to reside from any of them. As for Mr. Bollen, we desire you to order our Receiver General to pay him out of our quit-rents, the sum of ten pounds yearly, for two years from the date hereof. You will receive some law books, to which you may apply yourselves upon all occasions, and you shall not want any encouragement from us that may contribute to your prosperity and welfare, not doubting but you will discharge the trust reposed in you, with as much candour and integrity for the maintainance of our just rights and intent as we desire to remain,

Your very loving friends

J. BERKELEY,
G. CARTERET.

To the pretended Representatives of
Elizabeth-Town, Newark, and New
Piscataway, and all others whom it
may concern.

A letter from
the Lords Proprietors to the
pretended Representative.

WE have received a long petition from you, and of no date, yet out of a tender care we have of your pretended greivances and complaints, have examined some particulars thereof, the Governor and Mr. Bollen being now in town, yet we are very ready to do you all the justice you can expect, tho' you have been unjust to us, by which means you have brought a trouble upon yourselves, and if you will send over any person to make good your allegations in your petition, (while the Governor is here) we shall be ready to hear all parties, and incline to do you right, altho' you have not had such a tender regard of our concerns in those parts, as in justice and equity you ought to have had: and we do likewise expect for the future you will yield due obedience to our

Second Grant to the Duke of York. 41

Government and laws within the Province of New Cæsarea, or New Jersey, and then we shall not be wanting to manifest ourselves according to your deportment, Dated this 11th day of December, 1672.

Your loving friends,

J. BERKELEY,
G. CARTERET.

NOTE. Page 50 following, it is recited, that New York and New Jersey, after the first grant thereof by the King to the Duke of York, were conquered by the Dutch, who afterwards, in pursuance of a treaty of peace, restored the same to his Majesty, which occasioned the following new Grant.

His Majesty's Letters Patents, to His Royal Highness James Duke of York, Recorded November 4, 1674.

CHARLES the Second, by the Grace of God
King of England, France and Ireland, Defender of the Faith, &c, To all to whom these presents shall come greeting : Know ye that we for divers good causes and considerations, have of our special grace, certain knowledge, and meer motion, given and granted, and by these presents for us, our heirs and successors, do give and grant unto our dearest brother JAMES Duke of York, his heirs and assigns, all that part of the main land of New England, beginning at a certain place called or known by the name of St. Croix, next adjoining to New Scotland in America ; and from thence extending along the sea coast unto a certain place called Petaquine or Pemaquid, and so up the river thereof to the furthest head of the same as it tendeth northwards, and extending from the river of Kenebeque, and so upwards by the shortest course to the river Canada northwards. And all that island or

The King to
the Duke, 2d,
Grant, 29th of
June. 26th of
Charles Second.

42 Second Grant to the Duke of York.

islands, commonly called by the several name or names of Matowacks or Long Island, scituate, and being towards the west of Cape Codd and the Narrow-Higansetts, abutting upon the main land between the two rivers there, called or known by the several names of Connecticut and Hudsons river; together also with the said river called Hudsons river, and all the land from the west side of Connecticut river, to the east side of Delaware bay. And also all those several islands called or known by the names of Martin Vinyards and Nantukes otherwise Nantuckett; together with all the lands, islands, soils, rivers, harbours, mines, minerals, quarries, woods, marshes, waters, lakes, fishings, hawking, hunting and fowling; and all other royalty's, profits, commodities and hereditaments to the said several islands, lands and premises belonging and appertaining, with their and every of their appurtenances; and all our estate, right, title, interest, benefit and advantage, claim and demand of, in or to the said lands or premises, or any part or parcel thereof, and the reversion and reversions, remainder and remainders; together with the yearly and other rents, revenues and profits of the premises, and of every part and parcel thereof; to have and to hold all and singular the said lands, and premises, with their and every of their appurtenances, hereby given and granted, or herein before mentioned to be given and granted unto our said dearest brother JAMES Duke of York, his heirs and assigns forever; to be holden of us, our heirs and successors, as of our mannor of East Greenwich in our county of Kent, in free and common soccage, and not in capite, or by knight service yielding and rendering. And the said JAMES Duke of York, for himself, his heirs and assigns, doth covenant and promise to yield and render unto us our heirs and successors, of and for the same yearly and every year, forty beaver skins when they shall be demanded, or within ninety days after such demand made. And we do further of our special grace, certain knowledge and meer motion, for us, our heirs and successors, give and grant unto our said dearest brother JAMES Duke of York, his heirs, deputies, agents, commissioners and assigns, by these presents, full and absolute power and authority to correct, punish, pardon, govern and rule all such the subjects of us, our heirs and successors, or any other person or persons, as shall from time to time adventure themselves into any the parts or places aforesaid, or

Second Grant to the Duke of York. 43

that shall or do at any time hereafter inhabit within the same, according to such laws, orders, ordinances, directions and instructions as by our said dearest brother, or his assigns, shall be establish'd ; and in defect thereof, in case of necessity, according to the good discretions of his deputies, commissioners, officers or agents respectively ; as well in all cases and matters, capital and criminal, as civil, marine and others ; so always as the said statutes, ordinances and proceedings be not contrary to, but as near as may be, agreeable to the laws, statutes, and government of this our realm of England ; and saving and reserving to us, our heirs and successors, the receiving, hearing and determining of the appeal and appeals of all or any person or persons of, in or belonging to the territories or islands aforesaid, or touching any judgment or sentence to be there made or given. And further, that it shall and may be lawful to and for our said dearest brother, his heirs and assigns, by these presents, from time to time, to nominate, make, constitute, ordain and confirm such laws as aforesaid, by such name or names, stile or stiles, as to him or them shall seem good, and likewise to revoke discharge, change and alter as well all and singular governors, officers, and ministers which hereafter shall be by him or them thought fit and needful to be made or used within the aforesaid islands and parts : and also to make, ordain and establish all manner of laws, orders, directions, instructions, forms and ceremonies of government and magistracy fit and necessary for and concerning the government of the territories and islands aforesaid ; so always as the same be not contrary to the laws and statutes of this our realm of England, but as near as may be agreeable thereunto ; and the same at all times hereafter to put in execution or abrogate, revoke or change, not only within the precincts of the said territories or islands, but also upon the seas in going and coming to and from the same, as he or they in their good discretions shall think fittest for the good of the adventurers and inhabitants. And we do further of our special grace, certain knowledge, and meer motion, grant, ordain and declare, that such governors, deputies, officers, and ministers as from time to time shall be authorized and appointed in manner and form aforesaid, shall and may have full power and authority within the territories aforesaid, to use and exercise marshal law in case of rebellion, insurrection and mutiny, in as large and ample manner as our lieutenants in

44 Second Grant to the Duke of York.

our counties within our realm of England have or ought to have, by force of their commission of lieutenancy, or any law or statute of this our realm. And we do further by these presents, for us, our heirs and successors, grant unto our said dearest brother JAMES Duke of York, his heirs and assigns, that it shall and may be lawful to and for the said JAMES Duke of York, his heirs and assigns, in his or their discretion from time to time, to admit such and so many person and persons to trade and traffick into and within the territories and islands aforesaid, and into every or any part and parcel thereof, and to have, possess and enjoy any lands and hereditaments in the parts and places aforesaid, as they shall think fit, according to the laws, orders, constitutions and ordinances by oursaid brother, his heirs, deputies, commissioners and assigns from time to time to be made and establish'd by virtue of, and according to the true intent and meaning of these presents ; and under such conditions, preservations, and agreements, as our said dearest brother, his heirs, and assigns shall set down, order, direct and appoint, and not otherwise as aforesaid. And we do further of our especial grace, certain knowledge, and meer motion for us, our heirs and successors, give and grant unto our said dearest brother, his heirs, and assigns, by these presents, that it shall and may be lawful to and for him, them, or any of them, at all and every time, and times hereafter, out of any our realms or dominions whatsoever, to take, lead, carry and transport in and into their voyages, for and towards the plantation of our said territories and islands aforesaid, all such and so many of our loving subjects, or any other strangers, being not prohibited or under restraint, that will become our loving subjects and live under our allegiance, and shall willingly accompany them in the said voyages : together with all such cloathing, implements, furniture and other things usually transported, and not prohibited, as shall be necessary for the inhabitants of the said islands and territories, and for their use and defence thereof, and managing and carrying on the trade with the people there : and in passing and returning to and fro, yielding and paying to us, our heirs and successors, the customs and duties thereof due and payable, according to the laws and customs of this our realm. And we do also for us, our heirs and successors, grant unto our said dearest brother JAMES Duke of York, his

Second Grant to the Duke of York. 45

heirs and assigns, and to all and every such Governor or Governors, or deputies, their officers or ministers as by our said brother, his heirs or assigns, shall be appointed, to have power and authority of government or command in or over the inhabitants of the said territories or islands, that they or every of them shall and lawfully may from time to time, and at all times forever hereafter, for their several defence and safety, encounter, repulse and expel, and resist, by force of arms (as well by sea as by land) and all ways and means whatsoever, all such person and persons as without the special license of our dearest brother his heirs and assigns shall attempt to inhabit within the several precincts and limits of our said territories and islands, and also all, and every such person and persons whatsoever, as shall enterprise and at any time hereafter the destruction, invasion, detriment or annoyance to the parts, places or islands aforesaid or any part thereof. And lastly, our will and pleasure is, and we do hereby declare and grant, that these our Letters Patents, or the enrollment thereof, shall be good and effectual in the law to all intents and purposes whatsoever, notwithstanding the not well and true writing or mentioning of the premises, or any part thereof, or the limits or bounds thereof, or of any former or other Letters Patents or grants whatsoever made or granted, or of any part thereof, by us or any of our progenitors, unto any person or persons whatsoever, bodies politick or corporate, or any law or other restraint, incertainty or imperfection whatsoever to the contrary in any wise notwithstanding ; altho' express mention of the true yearly value or certainty of the premises, or of any of them, or of any other gifts or grants by us, or by any of our progenitors heretofore made to the said JAMES Duke of York, in these presents is not made, or any statute, act, ordinance, provision, proclamation or restriction, heretofore had, made, enacted, or provided, or any other cause, matter, or thing whatsoever to the contrary thereof in any wise notwithstanding. In witness whereof we have caused these our Letters to be made patent. Witness ourself at Westminster, the 29th day of June, in the twenty-sixth year of our reign.

PIGOTT.

NOTE. This second grant, was made no doubt for the same reason as the second grant to the Duke and also to ascertain the Division of the Province, between

Lord Berkeley, and Sir George Carteret, but a new Division was afterwards made by the Quintipartite deed.

His Royal
Highness's grant
to the Lords Pro-
prietors, Sir
George Carteret.
29th July 1674.

THIS indenture made the nine and twentieth day of July, in the twenty and sixth year of the reign of our Sovereign Lord, CHARLES the Second, by the grace of God of England, Scotland, France and Ireland, King, Defender of the Faith, &c. *Anno Domini*, one thousand six hundred seventy-four. Between his Royal Highness JAMES Duke of York and Albany, Earl of Ulster, Lord High Admiral of Scotland, and Ireland, of the one part, and Sir George Carteret of Saltrum in the County of Devon, Knight, Vice Chamberlain of his Majesty's household of the other part. WHEREAS his Majesty King Charles the Second, by his Letters Patent, under the Great Seal of England, bearing date the twenty-ninth day of June, in the twenty-sixth year of his said Majesty's reign, did for the consideration therein mentioned, give and grant unto his said Royal Highness JAMES Duke of York, his heirs and assigns, all that part of the main land of New England, beginning at a certain place called or known by the name of St. Croix next adjoining to New Scotland, in America; and from thence extending along the sea coast unto a certain place called Pemaquine or Pemaquid, and so up the river thereof to the furthest head of the same as it tendeth northward; and extending from thence to the river of Kenebeque, and so upwards by the shortest course to the river Canada northwards; and also all that island or islands commonly called by the several name or names of Matowacks or Long Island, situate and being towards the west of Cape Codd and the Narrow Higansetts, abutting upon the main land between the two rivers there, called or known by the several names of Connecticutt, and Hudson's river; together also with the said river called Hudson's river, and all the lands from the west side of Connecticutt river to the east side of Delaware bay: And also several other islands and lands in the said Letters Patent mentioned, together with the rivers, harbours, mines, minerals, quarries, woods, marshes, waters, fishing, hawking, hunting, and fowling, and all other royalties, proffits, commodities and hereditaments to the said several islands, lands and premises belonging or appertaining, to have and to hold the said lands, islands, hereditaments and premises, with their and every of their appurtenances, unto his said Royal Highness JAMES Duke of York, his heirs and assigns for ever;

to be holden of his said Majesty, his heirs and successors as of the manner of East Greenwich in the county of Kent, in free and common soccage, yielding and paying to his said Majesty his heirs and successors of and for the same, yearly and every year, forty beaver skins, when they shall be demanded, or within ninety days after; with divers other grants, clauses, provisoes, and agreements in the said recited Letters Patents contain'd, as by the said Letters Patents, relation being thereunto had, it doth and may more plainly appear. Now this indenture witnesseth, that his said Royal Highness JAMES Duke of York, for and in consideration of a competent sum of good and lawful money of England to his Royal Highness in hand paid by the said Sir George Carteret, before the ensealing and delivery of these presents, the receipt whereof his said Royal Highness JAMES Duke of York, doth hereby acknowledge, and thereof doth acquit and discharge the said Sir George Carteret, his heirs and assigns for ever by these presents, hath granted, bargained, sold, released and confirmed, and by these presents doth grant, bargain, sell, release and confirm unto the said Sir George Carteret, his heirs and assigns for ever, all that tract of land adjacent to New England, and lying and being to the westward of Long Island and Manhitas Island, and bounded on the east part by the main sea, and part by Hudson's river, and extends southward as far as a certain creek called Barnegatt being about the middle, between Sandy Point and Cape May, and bounded on the west in a strait line from the said creek called Barnegatt, to a certain creek in Delaware river, next adjoining to and below a certain creek in Delaware river called Renkokus Kill, and from thence up the said Delaware river to the northermost branch thereof, which is in forty one degrees and forty minutes of latitude; and on the north, crosseth over thence in a strait line to Hudson's river, in forty one degrees of latitude; which said tract of land is hereafter to be called by the name or names of New Cæserea or New Jersey: And also all rivers, mines, mineralls, woods, fishings, hawking, hunting, and fowling, and all royalties, proffits, commodities, and hereditaments whatsoever, to the said lands, and premises belonging or appertaining; with their and every of their appurtenances, in as full and ample manner as the same is granted unto the said JAMES Duke of York by the before recited Letters Patents; and all the estate, right, title, interest, benefit, advantage, claim and demand of the said

JAMES Duke of York, of in and to the said lands and premises, or any part or parcel thereof, and the reversion and reversions, remainder and remainders thereof: All which said tract of land and premises were by indenture, bearing date the day before the date hereof, bargain'd and sold by the said JAMES Duke of York, unto Sir George Carteret, for the term of one whole year to commence from the eighth and twentieth day of July next before the date hereof, under the rent of one peper corn, payable as therein is mentioned as by the said deed more plainly may appear: By force and virtue of which said indenture of bargain and sale, and of the statute made for transferring of uses into possession, the said Sir George Carteret, is in actual possession of the said tract of land and premises, and enabled to take a grant and release thereof, the said lease being made to that end and purpose, to have and to hold all and singular the said tract of land and premises; with their, and every of their appurtenances, and every part and parcel thereof, unto the said Sir George Carteret, his heirs and assigns to the only behoof of the said Sir George Carteret his heirs and assigns for ever; yeilding and paying therefore unto the said JAMES Duke of York, his heirs and assigns, for the tract of land and premises, yearly the sum of twenty nobles of lawful money of England, if the same shall be lawfully demanded at or in the Inner Temple Hall London, at the feast of St. Michael the Arch Angel yearly. And the said Sir George Carteret for himself, his heirs, and assigns, doth covenant and grant to and with the said JAMES Duke of York, his heirs and assigns by these presents, that he the said Sir George Carteret his heirs and assigns, shall and will well and truly pay or cause to be paid unto his said Royal Highness JAMES Duke of York, his heirs and assigns, the said yearly rent of twenty nobles at such time and place, and in such manner and form as before in these presents is express'd and declared. *Provided* always and upon this condition, that the said Sir George Carteret do cause a copy of this grant and demise to be entered with the auditor of his said Royal Highness, within one month next after the execution of this present grant and demise. *In witness* whereof the parties to these presents have interchangeably set their hands and seals, the day and year first above written. Sign'd

JAMES.

Charles R.

TRUSTY and well beloved, we greet you well.

The King's letter owning Carteret's Title and Power of Government.

Whereas our right trusty and well beloved Councillor Sr George Carteret Knight and Baronet, by grant derived under us, is seized of the Province of New Cæsarea, or New Jersey, in America, and of the jurisdiction thereof as proprietors of the same, in the plantation of which said Province, the said George Carteret, hath been at great charge and expence; and whereas of late, great troubles and disorders have happened there by some ill affected persons. We being willing and desirous to encourage the inhabiting and planting of the said Province, and to preserve the peace and welfare of all our loving subjects residing there, we do therefore hereby require you in our name, to use your most endeavours to prevent all troubles and disorders there for the future; and strictly to charge and command all persons whatsoever inhabiting within the said Province, forthwith to yield obedience to the laws and government, which are or shall be there established by the said Sir George Carteret, who hath the sole power under us, to settle and dispose of the said country, upon such terms and conditions as he shall think fit; and we shall expect a ready compliance with this our will and pleasure, from all persons whatsoever, dwelling or remaining within the same, upon pain of incurring our high displeasure, and being proceeded against according to law, whereof you are to give publick notice to all persons that are or may be concern'd. And so we bid you farewell. Given at our court at Windsor, the 13th day of June, 1674 in the 26th year of our reign.

By his Majesty's command,

ARLINGTON.

Directions, Instructions, and Orders, made and given by the Right Honourable Sir George Carteret, Knight and Baronet, Vice Chamberlain of his majesty's household, and one of his Majesty's most honourably Privy Council, Lord Proprietor of the country or Province of New Caesarea, or New Jersey, together with a declaration by him made, of the true intent and meaning, and an explanation of several articles of the concessions formerly made by him, and the Lord John Berkeley, dated the 10th of February, in the year of our Lord 1664, to be observed by the Governor and Council, and inhabitants of the said Province.

Sir George Carteret to the Planters, Directions, &c. and concerning some articles in the Concessions see fol. 35.

WHEREAS during the late wars, between his Majesty and the Dutch, the country's of New York, and New Jersey, and other adjacent parts, was conquered by them, who have since in pursuance of the treaty of peace, restored all the said country's to his Majesty; and his Majesty having been since pleased to grant the same by his Letters Patents, to his Royal Highness the Duke of York, and his said Royal Highness having since by deed, dated the 28th day of July instant. granted to us, our heirs and assigns, all that tract of land adjacent to New England, and lying and being to the westward of Long Island, and Manhatans Island, and bounded on the east part by the main sea, and part by Hudson's river, and extends southward as far as a certain creek, called Barnagat, being about the middle, between Sandy Point and Cape May; and bounded on the west in a straight line from the said creek, called Barnagat, to a certain creek in Delaware river, next adjoining to and below a certain creek in Delaware river, called Renkokus Kill, and from thence up the said Delaware river to the northernmost branch thereof, which is forty one degrees and forty minutes of latitude, and on the north crosseth over thence in a straight line to Hudson's river, in forty one degrees of latitude, which said tract of land is to be called New Caesarea, or New Jersey. Now we being willing to settle and establish the peace and welfare of the said country, or Province, have made these directions, instructions, and orders, and also the declaration and explanation of several articles as followeth.

I. We being made very sensible of the great disorders in our Province, occasioned by several persons to the great

prejudice of our self, our Governor and Council, and all other peaceable and well minded inhabitants, within our said Province, by claiming a right of propriety both of land and government. Wherefore we do hereby declare first, that all lands granted by our Governor to the 28th July, 1672, and confirm'd in our names by Patents, or Charters upon record in our Secretary's office, under our Province seal, signed by him and the major part of his Council, shall remain to the particular owners thereof, their heirs, &c. for ever, with all the benefits, profits, and priviledges therein contain'd, they performing what they are obliged unto in every of the said respective Patents or Charters.

II. For such as pretend to a right of propriety to land and government within our Province, by virtue of any patent from Governor Colonel Richard Nichols, as they ignorantly assert, we utterly disown any such thing. A grant they had from him upon such conditions which they never perform'd ; and by the said grant they were obliged to do, and perform such acts and things as should be appointed by his Royal Highness, or his deputies, whose power remained in us by virtue of a patent from his said Royal Highness bearing date long before those grants, which hath been often declared by our Governor, and since owned under the sign manuel of his Royal Highness, bearing date the 25th of November, 1672, and demanded their submission to our authority, and to patent their land from us, and pay our quit rent according to our concessions : which if they had done, or shall yet do, we are content they shall enjoy the tract or tracts of land they are settled upon. *Provided* it hath not been taken up contrary to our order, and that it be not to the prejudice of the rest of the inhabitants, and to have such other priviledges and immunities as our Governor and Council and they shall agree upon. But if such persons as have not already received patents of their land from us, shall not within one year after notice to them given of this our pleasure therein, desire and accept patents of the said land, we do hereby order our Governor and Council to dispose of such lands and tenements, in whole or in part for our best advantage to any other persons : And if any person or persons do think they have injustice, or wrong done them, by this our possitive determination, they may address them-

selves to the King and Council, and if their right to that land or government appears to be better then ours, we will readily submit thereunto.

III. Our orders is, that those persons who were the chief actors in attempting the making an alteration in our Government, be proceeded against according to a declaration of our Governor and Council, bearing date the 28th day of May, 1672, except they shall immediately upon publication hereof, make their addresses to our Governor and Council, for remission of their offences, and that all persons that have sustain'd loss or damage, by maintaining our just rights and interest since the 26th of March 1672, may have reparation in law, with their charges they have and shall be at in any court or courts in our said Province, that are or shall be constituted and commissioned by special commission from our Governor according to a declaration by our Governor and Council, bearing date the third day of April 1672.

IV. That all grants of land, conveyances, surveys, or any other pretences for the hold of land, whatsoever within our said Province, that are not derived from us according to the prescriptions in our concessions, and entered upon record in our Secretary's office, in our said Province, we declare to be null and void in law.

V. That if any person refuse or omit, to pay or deliver his rent due to us and arrears since the 25th of March 1670, to the constable of the respective town or jurisdiction, where the land for such rent is due doth lye, at such time and place as the said constable shall appoint, or if any person shall refuse or omit to pay or deliver his rent which hereafter shall become due to us at such time as the same shall become due, and at such place as the constable of such town or jurisdiction shall appoint, that then it shall and may be lawful for the said constable, or his successors, to distrain the goods and chattels of such person so refusing or omitting, and to sell the same, rendering the overplus, besides the rent arrears, and the cost and charges of distraining, to the party: And we direct that the constable shall pay the rent, he shall receive or raise to our Receiver General. And altho' our concessions say, it shall be paid in current or lawful money

of England, yet at the request of our Governor and Council, we will accept of it in such merchantable pay as the country doth produce, at merchants price, to the value of money sterling ; and if by this means we cannot obtain our rent, then the marshal of the Province shall be impowered as abovesaid, to collect and raise the same at the charge of such the inhabitants as do refuse or omit to pay at the time and place as aforesaid.

VI. That all matters and causes which have been try'd in our Province by special commission from our Governor, upon which judgment hath pass'd according to law, be allowed by us, and be forthwith put in execution.

As to the inhabitants of Navysink, considering their faithfulness to the Lords proprietors, that upon their petition, their townships shall be survey'd, and shall be incorporated, and to have equal priviledges with other inhabitants of the Province, and that such of them who were the pretended patentees, and laid out money in purchasing land from the Indians, shall have in consideration thereof five hundred acres of land to each of them, to be allotted by the Governor and Council in such places, that it may not be prejudicial to the rest of the inhabitants, and because there is much barren land, after survey taken, the Governor and Council may give them allowance.

That the Governor and Council shall allow eighty acres per head to such persons as come to settle near Delaware river, or any place above ten miles from the sea, or from any other river navigable with boats ; to those that come to settle nearer, sixty acres as before.

That the Governor and Council shall have power to settle the fees of Secretary, Surveyor General, Marshal, and all other officers of court.

That upon our Governor's arrival there in our said Province, we require with what speed may be, all lands not yet surveyed by our Surveyor General, whether in township or private plantations, be forthwith surveyed and patented ; whereof you are to keep an exact record and send me the copy of the whole, attested under the Governor's and the major part of the Councils hands, and for what land you shall grant for the future, let me have a copy thereof once every year, attested as aforesaid.

That the land is to be purchased from time to time, as there shall be occasion by the Governor and Council from the Indians, in the name of the Lord Proprietor, and then every individual person is to reimburse the Lord Proprietor at the same rate as it was purchased, together with the charges.

That we the Lord Proprietor will build a prison and a house for the keeper, at our own proper cost and charge, out of the product of the quit-rents, where the Governor and Council shall think fit, and we will send over guns and ammunition as a magazine ; but all other charges are to be defray'd by the country, and that all writs be issued in his Majesty's name, except the summoning of burgesses, which is to be in our name.

That in case of appeal for England, the appealant be bound to pay all cost and charges if cast ; and upon the appeal, shall pay as a fine to the Judges twelve pounds, besides all costs and damage adjudged against him in the Province, and to give in security of an hundred pounds there for prosecuting the same within eight months.

That all strays of beasts at land, and wrecks at sea belong to us, the Lord Proprietor, and that all person that shall discover any such thing, shall have such satisfaction for their pains and care, as the Governor and Council shall think fit.

That the arrears of the quit-rent of Elizabeth Town, Newark, New Piscataway, and the two towns of Navysink, and all other plantations that have not paid since 1670, be paid to our Receiver General, at the rate of one halfpenny per year for every acre, besides the growing rent till the arrears be satisfied.

Whereas the General Assembly hath hitherto made no provision for the support and maintenance of the Governor according to the concessions ; it is required that the General Assembly at their first sitting, do take effectual course, for the satisfying him for his arrears, and make provision for his maintenance and support for the future. And whereas we have given our present Governor Phillip Carteret, Esq ; two thousand acres of land in our said Province, and because it is improper for him

to sign any grant made to himself, we do therefore order and authorize our Councillors, or any five or more of them, to sign one or more grant or grants, to the said Philip Carteret, of the said lands to be chosen and taken up by him in such one or more place or places as he shall think fit; and that they do also cause the seal of the said Province, to be affixed to such grant or grants, which being done, we do hereby declare, shall be as good and effectual to all intents and purposes, as if we ourself had sign'd the same, or as if the Governor and Council had sign'd any grant to any other person.

The foregoing and what follows, its supposed was one instrument in the original.

A declaration of the true intent and meaning of the Lord Proprietor, and explanation of the concessions made by John Lord Berkeley and myself to the adventurers and planters of New Jersey.

THAT as to the sixth article; that it shall be in the power of the Governor and his Council to admit of all persons to become free men of the said Province, without the General Assembly; but no person or persons whatsoever shall be accounted a freeholder of the said Province, nor have any vote in electing, nor be capable of being elected for any office of trust, either civil or military, until he doth actually hold his or their land by Patent from us, the Lord Proprietor, and that the granting and confirming of corporations, shall be in the power of the Governor and Council.

As to the eighth article: It shall be in the power of the Governor and Council, to approve such ministers and preachers as shall be nominated and chosen by the several corporations, without the General Assembly, and to establish their maintenance, giving liberty besides to any person or persons to keep and maintain what preachers or ministers they please.

56 Declaration of the Proprietor, &c.

Concerning the General Assembly.

That it shall be in the power of the Governor and his Council, to appoint the times and places of meeting the General Assembly, and to adjourn and summon them together again, when and where he and they shall see cause.

To the Third : That is to be understood that it is in the power of the Governor and Council, to constitute and appoint courts in particular corporations already settled, without the General Assembly ; but for Courts of Sessions and Assizes to be constituted and established by the Governor, Council and Representatives of the Province together ; and that all appeals shall be made from the Assizes to the Governor and his Council, and thence to the Lord Proprietor ; from whom they may appeal to the King.

To the Ninth Article : That the Governor and his Council may dispose of allotments of land to each particular person, without the General Assembly, according to our directions, as he and they shall think fit.

Concerning the Governor.

As to the Second and Third Article : All officers civil and military (except before excepted) be nominated and appointed by the Governor and Council, without the General Assembly, unless he the said Governor and Council shall see occasion for their advice and assistance.

As to the Fourth Article : In case of foreign invasion or intestine mutiny or rebellion ; it shall be lawful for the Governor and his Council to call unto their aid, any person whatsoever whether freeholder or not.

That in the Sixth Article : Concerning the regular laying out of land, rules for building of each street in townships, and quantities of ground for each house lott, the same is left to the freeholders or first undertakers thereof, as they can agree with the Governor and Council, and not to the General Assembly, but to be laid out by the Surveyor General.

That all warrants for land not exceeding the propor-

Declaration of the Proprietor, &c. 57

tion in the concessions, being only sign'd by the Governor and Secretary, shall be effectual in case his Council or any part of them be not present.

We the Lord Proprietor do intend that in all General Assemblys, the Governor and his Council are to sit by themselves, and the deputies or representatives by themselves, and whatsoever they do propose, to be presented to the Governor and his Council, and upon their confirmation to pass for an act or law, and to remain in force when confirm'd by us.

And Lastly. We do hereby grant, order and direct, that the concessions made, sign'd and seal'd by the Lord John Berkeley, and myself, bearing date the 10th day of February, 1664, shall still continue and stand in force, and be kept, maintain'd, and perform'd in all and every of the parts and articles thereof, unto the said Province, except such of them, and in such manner as the same or any part thereof, are altered or explained in or by these presents or in or by any former order and instruction sent to the Governor, or Deputy Governor and Council there, under the hands of the said Lord Berkeley and myself, or under my own hand alone. Given under my hand and the seal of the Province at Whitehall this 31st day of July, in the year of our Lord 1674, and in the six and twentieth year of the reign of our Sovereign Lord CHARLES the Second, &c.

Sir George Carteret, Knight and Baronet, Vice Chamberlain of his Majesty's Household, Lord Proprietor of the Province of New Caesarea or New Jersey in America.

To our Trusty and well beloved Philip Carteret, Esq: Governor of the Province of New Caesarea or New Jersey, and to our trusty and well beloved Councillors and assistants to our said Governor, greeting.

Commission to
P. Carteret and
his Council in
New Jersey,
July 31st, 1674.

BE it known unto all men, that we the said Lord Proprietor of the said tract of land or Province aforesaid, for divers good causes and considerations, but more especially out of the trust and confidence reposed in you, our said Governor and Councillors, for the faithful management of the power and authority by us to you to the best availe and improvement of our interest and dominion in the said Province and tract of land, and for the best availe and improvement of the interest, liberty, property and defence of all such that shall plant and inhabit there, have given and granted, and by these presents do give and grant, during our pleasure, unto you our said Governor, by and with the advice and consent of our said Council, or any three or more of the six, or four or more of a greater number, full and absolute power and authority for us, and in our name, to let, sell, convey, and assure such lands in our said Province, to such person and persons, and for such estate and estates, and with such provisoes, conditions and limitations as by certain concessions and agreements, made by John Lord Berkeley of Stratton, and myself, under our hands and seals bearing date the tenth day of January 1664, to and with the adventurers, we are obliged to grant, and as you shall be directed by certain instructions and directions under my hand and seal bearing date with these presents, and by such other instructions and rules as from time to time you shall receive from us, and not otherwise: hereby ratifying and confirming whatsoever you shall lawfully do pursuant to our said concessions, and to such instructions, rules and directions as aforesaid, as also to make, do, perform and execute, all our singular act and acts, thing and things, powers and authorities whatsoever, which we ourself may, can, might or could do, in, for, concerning

or relating to the government, both civil and military, of the said Province or tract of land, by virtue of any grant from or derived under his most excellent Majesty King CHARLES the Second, by the grace of God King of England, Scotland, France, and Ireland, Defender of the Faith, &c. to be exercised (nevertheless) according to such instructions, and with such limitations, restrictions, conditions, and provisoes, as in these presents are hereafter contain'd; hereby ratifying, confirming and allowing all and every such act and acts, thing and things, which our said governor and our said Council in our name, shall do in the premises, pursuant to the authority hereby committed. *Provided*, and it is hereby declared, that this present deed, or any thing therein contained, do not extend, nor shall it be deem'd or taken to extend, to give up to the said Governor, or said Councillors, or either or any of them, any power or authority to make any grant, conveyance, demise, or other like disposition of any land, lying within or being part of the said Province, but according to our said concessions and instructions, and reserving for every acre English measure, which by virtue of this authority you shall grant to any person or persons, one half-penny of lawful money of England, yearly rent, to be paid to us, our heirs or assigns, on every five and twentieth day of March, according to the English account, the first payment thereof to begin the five and twentieth day of March, which shall be next after making of the said grant. *Provided* also, that no order or laws made or to be made by virtue of this our authority, shall be in force as laws, for any longer term than one year and a half; within one year of which time they shall be transmitted and prevented unto us, for our assent, which being given, they shall be in continual force till expired by their own limitation, or by act repeal'd, or to be confirm'd as aforesaid. *Provided* also, that the executive party of all the said power hereby shall be made and exercised by you our said Governor, by and with the advice and consent of the major part of our Council: And if it happen that our said Governor and Council, or the major part of them, resident in our said Province and tract of ground, to nominate, elect and appoint any such able person and persons as in their discretion to them shall seem most fit to serve in and supply the place of such persons respectively, during their absence from our said Province and tract of ground a-

foresaid ; giving and granting unto him or them so chosen, during the absence of our said Governor or Councillors, as full, large and ample powers as by these presents to our Governor or Councillors we have given, until our pleasure be signified to the contrary, any thing in this present commission in any wise to the contrary notwithstanding. Also in case of death of any Governor, or death or removal of any member of our said Council, from time to time, to nominate and elect fit and able persons in their stead or places respectively, which persons so nominated and chosen, shall exercise all powers to the said offices respectively belonging, till our pleasure be signified to the contrary. And lastly. If you our said Governor and Councillors shall happen to find any natives in our said Province and tract of land aforesaid, that then you treat them with all humanity and kindness, and not in any wise grieve or oppress them ; but endeavouring by a Christian carriage, to manifest piety and justice, and charity in your conversation with them ; the manifestation whereof will prove beneficial to the planters, and likewise advantageous to the propogation of the Gospel. *Provided* also, that it shall be lawful for the representatives of the freeholders to make any address to us, touching the Governor and Council, or any of them, or concerning any greivances whatsoever, or for any thing they shall desire, without the consent of the Governor and Council or any of them. Given under our Seal of our said Province the thirty-first day of July, *Anno, Domini*, 1674, and in the twenty-sixth year of the reign of our Sovereign Lord CHARLES the Second, by the Grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, &c.

GEORGE CARTERET.

THIS indenture, quintipartite, made the first day of July, *Anno Domini* 1676, and in the eight and twentieth year of the reign of our sovereign Lord King CHARLES, the Second, over England, &c, Between Sir George Carteret, of Saltrum, in the county of Devon, knight and baronet, and one of his Majesty's most honourable privy Council, of the first part: William Penn of Ricksmansworth, in the county of Hertford, Esq; of the second part: Gawn Lawry of London, merchant, of the third part: Nicholas Lucas of Hertford, in the county of Hertford, malster, of the fourth part: and Edward Billinge of Wistminster, in the county of Middlesex, gent. of the fifth part. Whereas our said Sovereign Lord the king's Majesty, in and by his Letters Patents under the great seal of England, bearing date the twelfth day of March, in the sixteenth year of his said Majesty's reign, for the consideration therein mentioned, did give and grant unto his dearest brother JAMES, Duke of York, his heirs and assigns all that part of the main land of New England, beginning at a certain place called or known by the name of St. Croix, next adjoining to New Scotland, in America; and from thence extending along the sea coast to a certain place called Pem- aquine or Pemaquid, and so up the river to the furthest head of the same as it tendeth northward; and extending from thence to the river of Kenebeque, and so upwards to the river Canada northward. And also all that island or islands commonly called by the several name or names of Matowacks or Long Island, situate and being towards the west of Cape Codd and the Narrow Higansetts, abutting upon the main land between the two rivers there, commonly called or known by the several names of Connecticutt, and Hudson's river; together also with the said river called Hudson's river, and all the lands from the west side of Connecticutt river to the east side of Delaware bay: and also all those several islands called or known by the names of Martin's Vineyard or Nantukes, otherwise Nantucket; together with all the lands, islands, soils, rivers, harbours, mines, minerals, quarries, woods, marshes, waters, lakes, fishing, hawking, hunting, and fowling, and all other royalties, proffits, commodities and hereditaments to the said several islands, lands and premises belonging and appertaining, with their and every of their appurtenances; and all his said

Quintipartite
Deed of Division,
between E. and
W. Jersey: July
1st, 1676.

Majesty's estate, right title, and interest, benefit, advantage, claim and demand of, in, or to the said land and premises, or any part thereof; and the reversion and reversions, remainder and remainders; together with the yearly and other rents, revenues, and profits of all and singular the said premises, and every part and parcel thereof; to have and to hold unto his said Majesty's said dear brother, the said JAMES Duke of York, his heirs and assigns for ever; to be holden of the King's Majesty, his heirs and successors, as of his majesty's manor of East Greenwich, in his Majesty's county of Kent, in free and common soccage, and not in capite or by knight service, under the yearly rent of forty beaver skins, to be paid unto his said Majesty, his heirs and successors, when they shall be demanded, or within ninety days after, as by the said Letters Patent, relation being thereunto had, it may appear: in and by which said Letters Patent his said Majesty did likewise give and grant unto his said dearest brother JAMES Duke of York, his heirs, deputies, agents, commissioners and assigns, full and absolute power and authority for the correcting, punishing, pardoning, governing and ruling such of the subjects of his said Majesty, of his heirs and successors, as shall at any time adventure themselves into the said port and places, or inhabit there, according to such laws, orders, ordinances, directions and instructions, as by his said Majesty's said dearest brother, or his assigns, shall be established; and in defect thereof, in case of necessity, according to the good discretions of his deputies, commissioners, officers or assigns respectively, as well in all causes and matters capital and criminal, as civil, both marine and others, in such manner, and under such restrictions as is therein specified; and to do, exercise and execute all and every others the powers and authorities therein mentioned, as by the same Letters Patent, and by the several powers and authorities thereby given and granted, and therein specified, it doth and may appear. *And whereas* in and by two several indentures, the one being an indenture of bargain and sale for the term of one whole year, and bearing date the three and twentieth day of June, *Anno Domini* 1664: and the other being an indenture of grant, release or confirmation, and bearing date the four and twentieth day of the same month of June, *Anno Domini* 1664, and

both of them made between his said Majesty's said dearest brother, the said JAMES Duke of York by the name of his Royal Highness JAMES Duke of York and Albany, Earl of Ulster, Lord High Admiral of England and Ireland, Constable of Dover Castle, Lord Warden of the Cinque Ports, and Governor of Portsmouth, of the one part : John Lord Berkeley, Baron of Stratton, and one of his Majesty's most honourable Privy Council, and Sir George Carteret of the other part : And by other good and sufficient conveyances and assurances in the law duly executed, reciting the said Letters Patents herein before recited, and the several and respective premises thereby granted ; his Royal Highness he the said JAMES Duke of York, for the considerations therein mentioned, did grant, convey and assure to John Lord Berkeley and Sir George Carteret, their heirs and assigns forever, all that tract of land adjacent to New England, and lying and being to the westward of Long Island and Manhattan Island, part of the said main land of New England, beginning at St. Croix, mentioned to be granted to his said Royal Highness by the said therein and herein before recited Letters Patent, bounded on the east, part by the main sea and part by Hudson's river ; and hath upon the west Delaware bay or river, and extendeth southward to the main ocean as far as Cape May at the mouth of Delaware bay ; and to the northward as far as the northernmost branch of the said bay or river of Delaware, which is in forty one degrees and forty minutes of lattiitude, and crosseth over thence in a strait line to Hudson's river in forty one degrees of lattiitude ; which said tract of land was then afterwards to be called by the name or names of New Cæsarea or New Jersey ; and also all rivers, mines, minerals, woods, fishings, hawkings, huntings, and fowlings, and all other royalties profits, commodities and hereditaments whatsoever to the said land and premises belonging, or in anywise appertaining, with their and every of their appurtenances, in as full and ample manner as the same was or were granted to his said Royal Highness the said Duke of York, in and by the said therein and herein before recited Letters Patents ; and all the estate, right, title, interest, benefit, advantage, claim and demand of the said JAMES Duke of York, of, in, or to the said lands and premises, or any part or parcel thereof, and the reversion and reversions, remainder and remainders thereof, to have

and to hold unto the said John Lord Berkeley and Sir George Carteret, their heirs and assigns for ever, under the yearly rent or sum of twenty nobles, payable unto his said Royal Highness the said JAMES Duke of York, in manner as the same is aforesaid therein to be paid, as in and by the said last recited indentures and conveyances, relation being thereunto had, may appear. *And whereas* in and by one certain indenture of bargain and sale dated the eighteenth day of March Anno Domini 1673, and in the six and twentieth year of his said Majesty's reign, made between the said John Lord Berkeley of the one part, and John Fenwick, of Binfield, in the county of Berks, Esq: of the other part, and duly enrolled in his Majesty's High Court of Chancery in England, reciting the said herein before recited Letters Patents, indentures and conveyances, the said John Lord Berkeley for and in consideration of the sum of one thousand pounds therein mentioned, to have been paid unto him by the said John Fenwick, and for other the consideration therein mentioned, did grant, bargain, sell and convey unto the said John Fenwick, his heirs and assigns, all that the moiety or half part of him the said John Berkeley of and in the said tract of land and premises so to be or then called by the names of New Cæsarea or New Jersey: And also all that his moiety or half part of all rivers, rivelets, mines, minerals, quarries, woods, fishings, hawkings, huntings, fowlings, and all other royalties, profits, forts, franchises, liberties, governments, powers, priviledges, commodities, hereditaments and immunities whatsoever, to the said land and premises belonging; with their and every of their appurtenances, in as full, ample and beneficial manner to all intents and purposes as the same was granted to the said John Lord Berkeley and the said Sir George Carteret, their heirs and assigns, by him his said Royal Highness the said JAMES Duke of York, and all the estate, right, title interest, benefit, property, claim and demand whatsoever, unto the said John Lord Berkeley, of, in, or to the said moiety or half part of the said lands and premises or any part or parcel thereof, by force, virtue or means of the said therein and herein before recited Letters Patents or conveyances, or either or any of them, or otherwise, howsoever, and the reversion and reversions, remainder and remainders of the same, to have and to hold unto

the said John Fenwick, his heirs and assigns forever, to the only use and behoof of the said John Fenwick his heirs and assigns for ever, as by the said last recited indentures of bargain and sale, relation being thereunto had, it may appear. *And Whereas* in and by two other indentures, the one being an indenture of bargain and sale for the term of one whole year, and bearing date the ninth day of February which was in the year of our Lord 1674, and made between the said John Fenwick and Edward Billinge, of the one part, and the said William Penn, Gawn Lawry and Nicholas Lucas of the other part. And the other being an indenture tripartite of grant, release or confirmation, bearing date the tenth day of the same month of February, *Anno Domini* 1674, and made between the said John Fenwick of the first part: The said Edward Billinge of the second part: And the said William Penn, Gawn Lawry, and Nicholas Lucas of the third part; and by several other good and sufficient conveyances and assurances in the law duly executed, the said moiety or half part of the said tract of land, and the said moiety or half part of all and every other the said several and respective premises so convey'd unto the said John Fenwick as aforesaid, with all and every the right, members and appurtenances of the same, were convey'd unto, and remains now vested in the said William Penn, Gawn Lawry and Nicholas Lucas, and their heirs, to the use of them and their heirs and assigns for ever, (in which nevertheless the said Edward Billinge, claimeth to have equitable interest) so as the said William Penn, Gawn Lawry and Nicholas Lucas, do now actually stand seized of, and in one undivided moiety or half part of all and every the said premises so granted unto the said John Lord Berkeley and Sir George Carteret as aforesaid, as jointenants between themselves; and do now hold the same to them and their heirs, as tenants in common with the said Sir George Carteret, who is now actually seiz'd of the other undivided moiety or half part of all and every the same premises, and doth now hold the same to him and his heirs as tenant in common with the said William Penn, Gawn Lawry, and Nicholas Lucas. *And Whereas* they the said Sir George Carteret, William Penn, Gawn Lawry, Nicholas Lucas and Edward Billinge; have agreed to make a partition between them of the said tract of land, and of the said several and respective premises whereof they now stand so seized as tenants in common as aforesaid, and it hath been agreed between

them, that the said Sir George Carteret shall have for his share and part of the said tract of land, and of the said several and respective premises to be holden by him the said Sir George Carteret his heirs and assigns for ever, in severalty as his lawful and equal part, share and proportion tract of land, and of all and every the said several and respective premises, and to be from henceforth called, known and distinguish'd by the name of East New Jersey, all that easterly part, share and portion of the said tract of land and premises, lying on the east side and eastward of a strait and direct line drawn thro' the said premises from north to south, from the dividing and making a partition or seperation of the said eastern part, share and portion from the westerly part, share and portion of the same tract of land and premises, as is herein after particularly described. And that the said William Penn, Gawn Lawrie, and Nicholas Lucas, shall have their share and part of the said tract of land, and of the said several and respective premises, to be holden by them the said William Penn, Gawn Lawry, and Nicholas Lucas, their heirs and assigns, in severalty as their full and equal part, share and portion of the said tract of land ; and all and every the said several and respective premisses, subject to the same trust for the benefit of the said Edward Billinge, as the said undivided moiety was subject, and to be from henceforth called and distinguished by the name of West New Jersey, all that westerly part, share and portion of the said tract of land and premisses, lying on the west side and westward of the aforesaid strait and direct line drawn thro' the said premises from north to south as aforesaid, as is hereafter also particularly described. Now these presents witness, that in pursuance and performance of the said before recited agreement, and for the better perfecting of the said, conditions are agreed to be made as aforesaid ; and for and in consideration of five shillings to them the said William Penn, Gawn Lawry, Nicholas Lucas and Edward Billinge in hand paid by the said Sir George Carteret, the receipt whereof they do hereby respectively acknowledge, the said Edward Billinge and they the said William Penn, Gawn Lawry and Nicholas Lucas, by and with the consent, direction and appointment of the said Edward Billinge, testified by his being a party hereunto, and by his sealing and executing of these presents, have and

each of them hath bargained, sold, released and confirmed and conveyed : and do, and each of them doth, bargain, sell, release, confirm and convey unto the said Sir George Carteret, his heirs and assigns forever, all that easterly part, share and portion, and all those easterly parts, shares and portions of the said tract of land and premises so granted and conveyed by his said Royal Highness the said JAMES Duke of York, unto the said John Lord Berkeley and Sir George Carteret as aforesaid, extending eastward and northward along the sea coast and the said river called Hudson's river, from the east side of a certain place or harbour lying on the southern part of the same tract of land, and commonly called or known in a map of the said tract of land, by the name of Little Egg Harbour, to that part of the said river called Hudson's river, which is in forty-one degrees of latitude, being the furthestmost part of the said tract of land and premises which is bounded by the said river, and crossing over from thence in a strait line, extending from that part of Hudson's river aforesaid to the northermost branch, or part of the before mentioned river called Delaware river, and to the most northerly point or boundary of the said tract of land and premises, so granted by his said Royal Highness JAMES Duke of York, unto the said Lord Berkeley and Sir George Carteret, now by the consent and agreement of the said parties to these presents, called and agreed to be called the north partition point, and from thence, that is to say, from the said north partition point extending southward by a strait and direct line, drawn from the said north partition southward, thro' the said tract of land, unto the most southardly point of the east side of Little Egg Harbour aforesaid ; which said most southardly point of the east side of Little Egg Harbour is now by the consent and agreement of the said parties to these presents, called and agreed to be from henceforth called, the south partition point : and which said strait and direct line drawn from the said north partition point, thro' the said tract of land, unto the said south partition point, is now by the consent and agreement of the said parties to these presents, called and agreed to be called, the line of partition, which is the line herein before mentioned to be intended, by the said consent and agreement of the said parties, for the dividing and making a partition or separation of the said

easterly part, share and portion, from the westerly part, share and portion of the said tract of land and premises, so conveyed by his said Royal Highness aforesaid, in and by these presents intended to be bargain'd, sold and convey'd by the said Sir George Carteret unto the said William Penn, Gawn Lawry and Nicholas Lucas, and all and every the isles, islands, rivers, mines, minerals, woods, fishing, hawkings, huntings, and fowlings ; and all other royalties, governments, powers, forts, franchises, harbours, profits, commodities and hereditaments whatsoever, unto the said easterly part, share and portion of the said tract of land and premises belonging, or in any wise appertaining, with their and every of their appurtenances, and all the estate, right, title, interest, benefit, advantage, claim and demand whatsoever, as well in law as in equity, of them the said Edward Billinge, William Penn, Gawn Lawry, Nicholas Lucas, and each and every of them, of, in, unto, and out of the said easterly part, share and portion, easternly parts, shares and portions of the said tract of land and premises, and of, in, unto and out of every part and parcel of the same, and the reversion and reversions, remainder and remainders of the same, and of every part and parcel of the same, and all rents, duties and services reserv'd upon any estates or grants heretofore made or granted by the said Lord Berkeley and Sir George Carteret, or by any persons claiming any estate, interest or authority from, by or under either of them, of any part of the premises hereby convey'd to the said Sir George Carteret ; which said rents, duties and services reserved upon, which said estates and grants made of any part of the premisses hereby conveyed to the said Sir George Carteret, shall be from henceforth due and payable unto the said Sir George Carteret and his heirs, of whom all such estates so made and granted as aforesaid, are to be from henceforth holden according to the true intent of these presents ; which said easternly part, share and portion, parts, shares and portions of the said tract of land and premises is now by the consent and agreement of the said parties to these presents, called and agreed from henceforth to be called, by the name of East New Jersey ; and is all that, and only all that part, share and portion of the said tract of land and premises so convey'd by his said royal highness as aforesaid ; as lyeth extended from the east side of the

said line of partition before mentioned, to have and to hold unto the said Sir George Carteret his heirs and assigns in severalty, to the sole and only use of the said Sir George Carteret, and of his heirs and assigns forever. And each of them the said William Penn, Gawn Lawry, Nicholas Lucas, and Edward Billinge for himself, severally and respectively, and for his several respective heirs, executors and administrators, and for his several and respective own acts only, and not jointly, nor the one for the other, or for the heirs, executors, administrators, or acts of the other, doth covenant, grant and agree to and with the said Sir George Carteret, his heirs and assigns, by these presents, that he hath not at any time heretofore done, or suffered any act, matter or thing whatsoever, whereby, or by reason whereof, the said premises hereby bargained, sold, released, confirmed or conveyed by the said Edward Billinge, William Penn, Gawn Lawry, and Nicholas Lucas, unto the said Sir George Carteret, or herein or hereby meant, mentioned or intended so to be or any part or parcel of the same, is, are, shall or may be any ways charged, burthened or incumbered in title, charge, estate or otherwise howsoever, other than such arrears (if any be) which now at the day of the date of these presents are due and unpaid, upon any the restrictions, contained in the said herein before recited Letters Patents, herein before recited conveyances, herein before recited to have been made by his said royal highness JAMES Duke of York, or either or any of them. And these presents further witness that in further pursuance and performance of the said herein before recited agreement, and for the further perfecting the said partition so agreed to be aforesaid, and in consideration of five shillings to him the said Sir George Carteret in hand paid, by the said William Penn, Gawn Lawry and Nicholas Lucas, the receipt whereof he doth hereby acknowledge, the said Sir George Carteret hath bargain'd, sold, released, confirm'd and conveyed, and doth by these presents, bargain, sell, release, confirm and convey unto the said William Penn, Gawn Lawry, and Nicholas Lucas, and to their heirs and assigns forever, all that westerly part, share and portion, and all that and those other part and parts, share and shares, portion and portions, of the said tract of land and premises so granted by his said Royal Highness, the said JAMES Duke of York, unto the said John Lord Berkeley and Sir George Carteret, as aforesaid; and which said

westerly part, share and portion, and which said other parts, shares and portions, is and are extending southward and westward, and northward along the sea coast, and the before mentioned bay and river commonly called and known by the name or names of Delaware bay and Delaware river, from the said south partition point before mentioned, to be on the east side of little Egg Harbour, unto the said north partition point herein before mentioned, to be on the before mentioned northermost branch or part of Delaware river aforesaid; and from thence, that is to say, from the said north partition point, extending southward unto the said south partition point before mentioned, by the said before mentioned strait and direct line called the line of partition, drawn thro' the said tract of land from the said north partition point unto the said south partition, by the consent and agreement before mentioned, intended for the dividing and making a partition or separation of the said westerly part, share and portion from the before mentioned easternly part, share and portion of the said tract of land and premises so conveyed by his said Royal Highness as aforesaid, and herein before bargain'd, sold and conveyed by the said William Penn, Gawn Lawry, Nicholas Lucas, and Edward Billinge, unto the said Sir George Carteret as aforesaid, and all and every the isles, islands, rivers, mines, minerals, woods, fishings, hawkings, huntings, and fowlings, and all other royalties, governments, powers, forts, franchises, harbours, profits, commodities and hereditaments whatsoever, unto the said westernly part, share and portion of the said tract of land and premises, hereby bargained by the said Sir George Carteret, belonging or in any ways appertaining, with their and every of their appurtenances, and all the estate, right, title, interest, benefit, advantage, claim and demand, whatsoever, as well in law as in equity of him the said Sir George Carteret, of, in, unto and out of the same, and of, in, unto and out of every part and parcel of the same, together with the reversion and reversions, remainder and remainders of the same, and of every part and parcel of the same, and all rents, duties, and services upon any estates or grants heretofore made or granted by the said Lord Berkeley and Sir George Carteret, or either of them, of any part or parts of the said premises hereby convey'd to the said William Penn, Gawn Lawry, and Nicholas Lucas, or herein or hereby mentioned, or intended so to be; all which said westerly part, share and portion, parts,

shares and portions of the said tract of land and premises, are now by the consent and agreement of the parties to these presents, called and agreed from henceforth to be called by the name of West Jersey, and is all that and only all that part, share and portion, and all those parts, shares and portions, of the said tract of land and premises so conveyed by his said Royal Highness as aforesaid, as lyeth extended westward, or southward from the west side of the said line of partition, beforementioned, to have and to hold unto the said William Penn, Gawn Lawry and Nicholas Lucas, their heirs and assigns in severalty, to the only use of the said William Penn, Gawn Lawry and Nicholas Lucas, and of their heirs and assigns forever. And the said Sir George Carteret for him, his heirs, executors, and administrators, doth by these presents covenant, grant and agree to, and with the said William Penn, his heirs and assigns, and also to and with the said Gawn Lawry his heirs and assigns, and likewise to and with the said Nicholas Lucas, his heirs and assigns, and also to and with the said Edward Billinge, his heirs and assigns, that he the said Sir George Carteret hath not at any time heretofore done or suffer'd any act, matter or thing whatsoever, whereby or by reason whereof the said premisses hereby bargain'd, sold, released and confirm'd or convey'd by him the said Sir George Carteret unto the said William Penn, Gawn Lawry and Nicholas Lucas, or herein or hereby meant, mention'd or intended so to be, or any part or parcel of the same, is, are, shall or may be any ways charged, burthened or incumbered in title, charge or estate, or otherwise howsoever, other than such arrears (if any be) which now at the day of the date of these presents are due and unpaid, upon any the reservations contain'd in the said herein before recited Letters Patent, and herein before recited conveyances, herein before recited to have been made by his said Royal Highness the said Duke of York, or either or any of them, and other than such lawful estates and grants of land and plantations, part of the said premisses, as have been at any time heretofore by him the said Sir George Carteret, either within themselves, together with the said Lord Berkeley, or by authority lawfully derived from him, or from him and the said Lord Berkeley, made and granted to any planter or planters now in actual possession of the same lands and plantations, and which have been made and granted according to the rules and laws of planta-

tions now in force in the said country, under the usual and accustomed rents, duties and services by the said rules and laws appointed and directed to be observed upon grants of lands and plantations, made and granted to planters seating themselves there : All and singular which said rents, duties and services reserved upon which said estates and grants, shall be from hence forth due and payable unto the said William Penn, Gawn Lawry and Nicholas Lucas, their heirs and assigns ; of whom all such estates so made and granted as aforesaid, are to be from henceforth holden according to the true intent of these presents, and of all the respective parties hereunto : And it is hereby declared and agreed, by all the respective parties to these presents, to be the true intent and meaning of these presents, and of all the respective parties hereunto, that the aforesaid rent of twenty nobles herein before mentioned, to be reserved due and payable unto his said Royal Highness the said JAMES Duke of York, and his heirs, shall from henceforth be equally paid and borne in manner following, that is to say, one equal moiety or half part thereof by the said Sir George Carteret, his heirs and assigns, and to be issuing out of, and charged and chargeable upon that part and share of the said premises which is hereby conveyed unto the said Sir George Carteret, his heirs and assigns ; and the other equal moiety or half part thereof by the said William Penn, Gawn Lawry and Nicholas Lucas, their heirs and assigns, and to be issuing out of, and charged and chargeable upon that part and share of the said premises which is hereby conveyed unto the said William Penn, Gawn Lawry and Nicholas Lucas, their heirs and assigns. *In witness* whereof all the said respective parties to these presents, have to each part of these presents set their respective hands and seals, the day and year first above written.

Sealed and delivered in
the presence of
HENRY WEST.
JAMES BOWERS.
THOMAS LANGHORN.
RICHARD LANGHORN.
JOHN RICHARDSON.

G. CARTERET.
W. PENN.
GAWN LAWRY.
NICHOLAS LUCAS.
EDWARD BILLINGE.

December 5, 1678. Sir George Carteret made his will and devised to Edward Earl of Sandwich, John Earl of Bath, Bernard Greenville, Sir Thomas Crew, Sir Robert Atkins, and Edward Atkins, Esqrs. and their heirs, among other lands, all his plantation of New Jersey, upon trust and confidence that they, and the survivors and survivor of them, and the heirs and executors of the survivor of them, should make sale of all the said premises, and out of the moneys that should upon such sale arise, pay and discharge debts, &c. as therein mentioned.

George Carteret to Trustees by his Will.

February first and second, 1682, in the thirty-fourth of King CHARLES Second, in pursuance of the trust aforesaid, Dame Elizabeth Carteret, John Earl of Bath, Thomas Lord Crew, Bernard Greenville, Sir Robert Atkins, Sir Edward Atkins, Thomas Pocock and Thomas Cremer, by lease and release, conveyed the Eastern Division of New Jersey aforesaid in fee simple, to William Penn, Robert West, Thomas Rudyard, Samuel Groom, Thomas Hart, Richard Mew, Thomas Wilcox, Ambrose Rigg, John Heywood, Hugh Hartshorne, Clement Plumstead and Thomas Cooper, the bounds being according to the Quintipartite deed.

Dame Carteret and Trustees to 12 Proprietors.

NOTE. In the recital of the release it appears, that the granters above, had conveyed the premises among other things to said Cremer and Pocock, which is the reason of their joyning in the sale. And Edward Earl of Sandwich, released all his estate in the premises to the other trustees, before they sold to the twelve Proprietors.

The twelve Proprietors agreed that there should be no benefit of survivorship.

At sundry times in the year 1682 in the thirty-fourth and thirty-fifth of King CHARLES Second. The above twelve persons conveyed to twelve others viz, Robert Barclay, Edward Billinge, Robert Turner, James Brain, Arent Sonmans, William Gibson, Gawen Lawry, David Barclay, Thomas Barker, Thomas Varne, James Earl of Perth, Robert Gordon, and John Drummond.

The 12 Proprietors to 12 others.

NOTE. These are placed in the order the conveyances were from the first twelve, to the other twelve, that

is each of the first twelve conveyed separte to each of the last twelve, one half of his share.

It is not thought necessary to copy those (above abstracted) at length, but the Duke of Yorks confirmation containing a more ample grant of the powers of government than any conveyances from him before, it is thought proper to copy it.

Its further to be noted that the legal year in England begun the twenty-fifth of March, but the historical year begun the first of January proceeding, and in Scotland they also begun the year on the first of January, which accounts for the seeming impropriety of the dates of some of the foregoing, and other antient records.



L A W S

IN

C A R T E R E T ' S T I M E ,

FROM

1664, to 1682.



The General Assembly did consist of

The Hon. PHILLIP CARTERET, Esq ; Governor.

Capt. Nicholas Verlet,	}	Of the Council.
Mr. Daniel Pierce,		
Mr. Robert Bond,		
Mr. Samuel Edsall,		
Mr. Robert Vanguellin,		
Mr. William Pardon,		
Mr. James Bollen, Secry.		

The BURGESSES.

Mr. Gasper Steenmetts,	}	for Bergen.
Mr. Baltazar Bayard,		
Mr. John Ogden, senr.	}	for Elizabeth Town.
Mr. John Brackett,		
Capt. Robert Treat,	}	for Newark, upon Pishawack river.
Mr. Samuel Swarne,		
Mr. John Bishop,	}	for Woodbridge.
Mr. Robert Dennes,		
Mr. James Grover,	}	for Middletown.
Mr. John Bound,		
Idem,	}	for Shrewsbury.

Begun the 26th May, 1668.

Acts passed and assented unto by the Governor, Council and Burgesses of the General Assembly, of the Province of New Cæsarea, or New Jersey, the 30th day of May, Anno Domini, 1668.

Imprimis. IT IS ENACTED by the authority aforesaid, that for the better maintaining and upholding of the lawful authority, and for encouragement of the same; if any person or persons shall resist the authority established by the Lord Proprietors, sa the Governor, justices, or any other inferior officers,

Punishment
for resisting au-
thority.

either in words or actions, they shall be liable to such fine or corporal punishment as the court shall judge, upon due examination thereof.

For Providing Arms. *Be it enacted* by the same authority, that every male from 16 years and upwards, to the age of 60 years, shall be furnished at their own cost and charge, with good and sufficient arms, and constantly maintain the same, viz, a good serviceable gun well fixed, one pound of good powder, four pounds of pistol bullets, or twenty four bullets suited to the gun, a pair of bandeleers, or a good horn and a sword and belt, and if any person or persons shall willfully neglect and not provide himself according to this act, within one month after publication thereof, he shall pay one shilling for the first weeks neglect, and for the next weeks neglect, and so for every week after, the sum of two shillings, by way of fine to be levied upon his or their goods and chattles.

Capital Laws.

Punishment for burning houses. *Be it enacted* by the authority aforesaid, that if any person or persons whatsoever shall maliciously, wittingly, or willingly, set on fire any dwelling house, out house, store house, barn or stable, or any other kind of house or houses, corn, hay, fencing, wood, flax or any other combustible matter, to the prejudice and damage of his neighbour, or any other person or persons whatsoever, shall be committed to prison without bail or mainprize, and make full satisfaction, and if he or they are not able to make satisfaction, for the damages sustain'd by such willful and malicious act, then to stand to the mercy of the court whether to be try'd for life, or to suffer some other corporal punishment, as the court shall judge, all circumstances being first duly examin'd and considered of.

Punishment for murder. ITEM. If any person or persons shall wittingly or willingly, by lying in wait, poison, or any other way commit willful murder, they shall be put to death.

and false witness. ITEM. If any person or persons shall willingly and maliciously rise up to bear false witness, or purpose to take away a man's life, they shall be put to death.

ITEM. If any man or woman shall lye with Buggery. any beast or brute creature by carnall copulation, they shall be put to death ; and the beast shall be slain and burnt.

ITEM. If any man lyeth with mankind, as he Sodomy. lyeth with a woman, they both shall be put to death ; except the one party were forced, or under fourteen years of age, in which case he shall be punished according to the discretion of the court.

ITEM. If any man shall willfully or forcibly steal away any mankind he shall be put to death.

ITEM. If any person within this Province Burglary. shall commit burglary, by breaking open any dwelling house, store house, ware house, out house or barn, or any other house whatsoever, or that shall rob any person in the field or highways ; he or they so offending shall for the first offence be punished by being burnt in the hand with the letter T, and make full satisfaction of the goods stolen, or the damages that are done ; and for the second time of offending in the like nature, besides the making of restitution, to be branded in the forehead with the letter R. And for the third offence to be put to death as incorrigible.

ITEM. If any person or persons within this Stealing. Province shall be found stealing, or proved to have stolen any goods, money or cattle, or any other beast of what kind so ever, shall make treble restitution for the first offence, and the like for the second and third offence ; with such further increase of punishment as the court shall see cause ; and if incorrigible to be punished with death. And in case they are not able to make restitution for the first, second and third offence ; they shall be sold that satisfaction may be made : but in case any person be disabled through poverty, or any other ways, to make restitution in kind, or the value thereof, as well concerning the law of burglary as to this of theft, he or they so offending, shall be liable to such corporal punishment as the court shall think fit to inflict upon them ; and notwithstanding restitution shall be made of all or so much of the goods so stolen as can be found discovered, in whose hands or custody soever they be found.

ITEM. If any person be found to be a witch, either male or female, they shall be put to death.

Conspiracy. ITEM. If and man conspire, or publicly attempt to invade or surprise any town or towns, fort or forts, within this Province, he shall be put to death.

Undutiful children. ITEM. If any child or children above sixteen years of age, and of sufficient understanding, shall smite or curse their natural father or mother, except provoked thereunto, and forced for their safe preservation from death or maiming, upon the complaint or proof of the said father or mother, or either of them (and not otherwise) they shall be put to death.

Rapes. ITEM. If any man shall force a maid or married woman, he shall be put to death, or severely punish'd according to the discretion of the court.

Adultery. ITEM. If any person or persons shall commit adultery, they shall be divorced, corporally punished or banished, either or all of them, all circumstances being first duly examined and considered of, as the court shall judge.

Night Walking and Revelling. For the better preventing disorders and misdemeanors in young persons and others, *Be it also enacted* by this present General Assembly, that if any person or persons shall be abroad from the usual place of their abode, and found in night walking, drinking in any tapp-house, or any other house or place at unseasonable times, after nine of the clock at night, and not about their lawful occasions, or cannot give a good account of their being absent from their own place of abode at that time of the night, if required of them, shall be secured by the constable or some other officer, till the morning, to be brought before a justice of the peace or magistrate, to be examined, and if they cannot give them a satisfactory account of their being out, at such unseasonable times, he or they shall be bound over to the next court, and receive such punishment as the justices upon the bench shall see cause to inflict upon them.

Whereas the meeting of the Governor and his Council with the Burgesses or Deputies for the country, are called the General Assembly of the Lords Proprietors, according

to the Concessions, it is enacted that the said General Assembly are to meet on the first Tuesday in November next, and so to continue their meeting yearly on the said day, until they shall see cause to alter the said time of meeting, and the deputies of each town to be chosen the first day of January, according to the Con-
Meeting of Assembly;
and time when chosen.
 cessions ; and for the absence of any deputy of the said towns, he shall be liable to pay forty shillings for every days absence, as a fine to the country, unless upon his or their reasons given for their absence, the General Assembly shall see cause to remit the same, refering all extraordinary occasions of calling the General Assembly together, at any other time or times to our Governor and his Council as they shall see cause, and as the necessity and weighty affairs of the Province shall require.

It is enacted by the authority aforesaid, That a rate of thirty pounds be levied upon the country, for the defraying of publick charges, and this rate equally proportioned to each town. That is to say five pounds for each town to be paid in manner as followeth, Winter wheat at five shillings a bushell, Summer wheat at four shillings and six-pence. Pease at three shillings and six-pence. Indian corn at three shillings. Rye at four shillings. Barley at four shillings. Beef at two-pence half-penny. Pork at three-pence half-penny a pound. And this rate to be paid at or before the next general court, into the hands and custody of Mr. Jacob Mollins of Elizabeth Town, which we desire of him to take into his hands for the use of the Province, and when received to disburse and pay to Capt. Bollen, the sum of twenty pounds, and the rest as he shall have order to improve for our use.

30£. levied.

For the preventing of unlawful marriages, it is ordered and enacted by the same authority, that no person or persons, son, daughter, maid or servant, shall be married without the consent of his or their parents, masters or overseers, and three times published in and at some publick meeting, or kirk, where the party or parties have their most usual abode ; or set up in writing their purposes of marriage, on some publick house where they live, and there at least to abide for the space of fourteen days before marriage, which is to be performed in some publick place, if possible may be, and none but some approved minister or justice of the peace within this Pro-

vince, or some chief officer, where such are not, shall be allowed to marry or admit of any to join in marriage, in their presence, and under the penalty of twenty pounds for acting contrary hereunto, and to be put out of their office, according to the liberty of conscience granted by the Lords Proprietors in their Concessions : *Always provided*, That it is and may be lawful for the Governor to grant his license, under his hand and seal, to any person or persons that are at their own disposing, or to any other under the tuition of their parents, masters or overseers, to join in matrimony; *provided* that the parents, masters or overseers are present and consenting thereunto, or that their consent be attested by some publick officer, and presented to the Governor before the granting thereof, and the others to clear themselves by oath or certificate.

Concerning pounds, *It is enacted* by the same authority, that every plantation within this Province, do make and maintain a good and sufficient pound for all sorts of cattle, within a quarter of a year after publication of this act ; and if any trespass or damage be done by horses, cattle, sheep or swine of any kind whatsoever, in any man's corn, hay, flax or any other fruits, when the fence is sufficient, they shall pay all damage whatsoever ; but in case there be no fence, or not a sufficient fence, then he that owns the defective fence or fences whatsoever, shall bear the damages and the cattle shall be free. *And be it further enacted* that every town shall chuse and appoint two of the freeholders to be the viewers of their fence or fences, from time to time as need shall require. It is also enacted, that if any person or persons shall at any time break up the pound, shall pay a fine of five pounds ; twenty shillings thereof to be paid to the informer, and the remainder to the use of the publick.

Concerning fugitives, *It is enacted* by the same authority, that every apprentice and servant that shall depart and absent themselves from their masters or dames, without leave first obtain'd, shall be judged by the court to double the time of such their absence, by future, service over and above other damages and costs which master and dame shall sustain by such unlawful departure.

And it is also enacted, that whosoever shall be proved to have transported, or to have contrived the transportation of any such apprentice or servant, shall be fined five pounds, and all such damages as the court shall judge, and that the master or dame can make appear, and if not able, to be left to the judgment of the court.

And it is also enacted, that every inhabitant that shall harbour or entertain any such apprentice or servant, and knowing that he hath absented himself from his service, upon proof thereof, shall forfeit to the master or dame ten shillings for every days entertainment or concealment, and if not able to satisfy, then to be liable to the judgment of the court.

For the better supporting and upholding the lawful authority established in this Province, by the Lords Proprietors and their successors, or by any other person in authority under them, and for the encouragement of the same, it is ordered and enacted by this present General Assembly, that if any person or persons whatsoever shall abuse, contemn or resist the lawful authority, settled and appointed in this Province, either in words or actions, as the Governor, justices of the peace, magistrate, or any other inferior officer or officers in the execution of his or their respective offices, or at any other time: *Provided*, that such as are in authority do not abuse any man, but only defend themselves, shall be liable to such fine or corporal punishment, as the court after due examination of the fact shall determine.

Concerning fornication, *It is enacted* by the authority aforesaid, that if any man commit fornication, with any single woman, they shall be punished by enjoining marriage, fine, corporal punishment, either of which according to the discretion of the court; and the parties so offending shall put in good security for the discharging of the town or parish from any charge by such unlawful birth.

Concerning that beastly vice drunkenness, *It is hereby enacted*, that if any person be found to be drunk, he shall pay one shilling fine for the first time, two shillings for the second, and for the third time, and for ev-

ry time after two shillings and six-pence, and such as have nothing to pay, shall suffer corporal punishment, and for those that are unruly and disturbers of the peace, they shall be put in the stocks, until they are sober, or during the pleasure of the officer in chief in the place where he is drunk.

Concerning swearing, *It is enacted* by the aforesaid authority, that if any person or persons shall profanely take the name of God in vain, by swearing or cursing, he or they shall pay for every such offence one shilling, half to the informer, and the other half to the country.

Concerning taking away of a man's life, *It is enacted* by this present General Assembly, that no man's life shall be taken away under any pretence but by virtue of some law established in this province, that it be proved by this mouth of two or three sufficient witnesses.

A Message presented by the Deputies, to the Governor and his Council.

HONOURED GENTLEMEN,

WE have read and perused the contents of several acts of yours presented, and as to the necessity of settling laws about them for breach of oaths, or subscription, false witnesses, prohibiting of all sales of strong drink and liquors to the Indians, for all which we think needful to have laws made, but by reason of the week so near spent, and the resolution of some of our company to depart, and the meeting to surcease for the present, and therefore we shall be necessitated to refer the full consideration of them for the present, until the next sessions of this Assembly, which is to be the first Tuesday in November next.

This motion was assented unto by the Governor and his Council, and enacted this sessions to be adjourned accordingly. Dated at Elizabeth Town, the 30th day of May, 1668.

JAMES BOLLEN, Secretary.

At a General Assembly begun the third of November, 1668.

Present the Governor Capt. PHILLIP CARTERET, Esqr.

Capt. Nicholas Verlet,	} Of the Council.
Mr. Robert Bond,	
Mr. Samuel Edsall,	
Mr. Robert Vanguellin,	
Mr. William Pardon,	
Mr. James Bollen, Secry.	

The DEPUTIES.

Mr. Gasper Steenmetts,	} for Bergen.
Mr. Baltazar Bayard,	
Mr. John Ogden, senr.	} for Elizabeth Town.
Mr. Jacob Mollins,	
Capt. Robert Treat,	} for Newark.
Mr. Jasper Crane,	
Mr. Robert Dennes,	} for Woodbridge.
Mr. Samuel Moore,	
Mr. Peter Jegon,	} for Delaware river.
Mr. Fabrus Outout,	

The Deputies for Middletown and Shrewsbury, were Jonathan Hulmns, Edward Tart, Thomas Winterton, and John Hans, but they refusing to take or subscribe to the oaths of allegiance and fidelity, but with provisoes and not submitting to the laws and government were dismissed.

Follows the Acts passed or assented unto.

IN order to the better providing for the peace and safety of the inhabitants of the Province, and the more ready accustoming our soldiers to an expert handling of their arms, *It is enacted*, that the soldiers in every town within this Province from sixteen years old to sixty, shall train or be mustered, at least four days in the year, and oftener if the chief military officer in the place shall see it needful, viz. two days in the Spring, and two days in the Autumn, and that there shall be at least ten

The days appointed for Training.

days between each training day : and in case any chief officer, constituted and commissioned for that purpose, shall wittingly or willfully neglect the same, shall forfeit for every days neglect, twenty shillings, to the publick, and for every soldier not exempted and freed in this law, shall neglect to attend their duty, when required and according to their accustomed manner, agreed upon in every place for sufficient warning of their training days, by their chief military officers, appointed and allowed according to their concessions, either by his absence or refusal to bring his arms into the field, for every days neglect, five shillings, and for half a day, two shillings and six-pence, and for late coming one shilling, unless their reasons be satisfactory to the officers of the train'd bands in every place, and that the clerk of each band shall have full power to collect the said fines of their defective soldiers ; and in case of the refusal of any to pay his fines, otherwise he may take distrain. But the Secretary General, the Surveyor General, the Governors, Council and all other the Lords Proprietors Commission Officers, Justices of the peace, settled ministers, allowed physicians, chirurgeons, sworn constables, during the time of his office, constant millner, masters of all ships and vessels above ten tons, with all common heardmen, shall be freed from the penalty abovesaid ; which said fine of the defective soldiers shall go to the use of the company, and the fine of the chief officers to the country.

For Marking of Horses and Cattle.

It is further enacted, That every town within this Province shall have a brand mark for their horses, to distinguish the horses of one town from another ; besides which every one is to have and mark his horse or horses with his own particular brand mark, also that every town shall have a horn brand mark, for all cattle from three years old and upward ; and that in every town there be an officer chosen by the Governor, excepting in such towns as have the liberty to chuse their own officers, and there to be chosen by the freeholders to brand and record every particular mans brand, and the age of each of them as near as he can, with the colour and all observable marks, it had

before the branding, whether on the ear or elsewhere, with the year and day of the month when branded, and in each town the officer for his care and pains, to have six-pence of the owner for each horse, mare or colt so branded and recorded ; and every one that shall be defective in not attending to the premises, touching horses, shall forfeit ten shillings for every default ; and any that shall brand horse, mare or colt, that is not appointed for that purpose, shall forfeit the like fine for every such default, and that both horses and cattle be branded with the same letter in each town, which letters are as followeth. Bergen, with a letter B. Newark, with N. Elizabeth Town, with E. Woodbridge, with W. Middletown, with M. Shrewsbury, with S. Delaware, with D. Piscataqua, with P. which brand are to be fixed upon the right buttock of horses, and on the right horn of the cattle, the brander to have for cattle two-pence, per head, for branding and recording of them, and that this be done as the horse comes to hand, and every sale of horses of all kinds to be recorded in the town book, to which he or they belong, within ten days after the sale, and their shall be three-pence upon a head to the recorder for every such sale, and this to be attended under the penalty of forty shillings fine to the country for every such default.

ITEM. In consideration of the inconveniences Ordinary. that do arise for want of an ordinary in every town, within this Province, it is ordered, that every town shall provide an ordinary for the relief and entertainment of strangers. *Provided*, that the ordinary keeper is to have a licence from the Secretary, and oblige himself to make sufficient provision of meat, drink, and lodging for strangers ; and for neglect hereof, in any of the towns, they shall forfeit forty shillings fine to the country for every months default after publication hereof ; and that none shall retail drink of what sort soever under the quantity of two gallons, except the ordinary keeper, and no person whatsoever (as well the ordinary keeper as others) shall retaile any sort of drink as aforesaid, under the quantity of two gallons, under the penalty of paying ten shillings fine for every such default to the country.

It is ordered and enacted by the Gen- Mr. Ogden to
take care of the
country's charge
eral Assembly, to make choice of and
impower Mr. Ogden, to take cognizance of the
country's charge and rates, and to order

the disposal of the same, for the best ease and benefit of the country, and therefore any that shall have a note or order from Mr. Ogden to the Treasurer, shall be a sufficient discharge unto the aforesaid Treasurer.

Committee appointed to treat with the Indians concerning the ranging of cattle.

ITEM. For the preventing of future damages, and wrongs that otherwise may accrue to the towns or inhabitants, in reference to horses or cattle that may range up into the country, to the indangering the peace in respect to the Indians, it is ordered by the Assembly, to depute a committee to treat with the Indians, by sending for them, or going to them, and the committee to have full power to issue all differences or trespasses past or to come, and to make composition with them for the future ; which committee are as followeth, our honoured Governor, Capt. Varlett, Capt. Treat, Mr. Mollins, Mr. Dennis, what any three of this committee shall agree upon, shall stand in force.

The chief Military Officer, to take a view of every Soldiers Ammunition.

ITEM. It is ordered, that the chief military officer in every town, where any such are established, shall either themselves, or by the clerk of the band, take an exact view, how every man is furnished with good and sufficient arms and ammunition, at least twice in the year, under the penalty of twenty shillings for every neglect of his or their viewing of the same.

Two men appointed to treat with the Sachem concerning the killing of the Indian boy.

ITEM. *It is enacted* that two men shall be chosen and sent to the Sachem of the Indians that killed the Indian boy at Elizabeth Town, to demand the murdurer to be surrendered to the Governor, now, if he be amongst them or at any other time that he comes within their reach and power, which they do expect and look for, or else they cannot but look on themselves deeply injured with them, and if they do harbour or allow the murderer to be amongst them and not deliver him, it will be such an offence as they shall forever remember against them until satisfaction be given to them.

Prohibiting the buying of swine or any cattle from the Indians.

ITEM. *It is enacted*, that no person whatsoever within this Province, shall directly or indirectly receive or buy any cattle whatsoever of any Indian or Indians, whether swine, neat cattle or horses, or any part of them, whether skins or flesh, dead or alive, from time to time, under the penalty of ten pounds

fine to the country after the legal publication hereof, and for any that shall know of any that shall so do and conceal it, if legal proof be made thereof, they shall be liable to pay the same fine as if he had bought or received it himself.

ITEM. *It is enacted*, by the Assembly, that ^{Fines how to be disposed.} all fines but what by law are disposed of, shall be for the publick use in all respective towns in this Province, after the publication hereof, *always provided*, that the Lords Proprietors rights are not hereby infringed upon.

ITEM. *It is ordered and enacted*, that touch- ^{Weights and Measures.} ing weights and measures, they shall be referred to the law, set down for York colony.

ITEM. WHEREAS there was an act of General Assembly past the 30th day of May last, for the rate of thirty pounds to be raised upon the country, for the defraying of public charge, and that equally to be levied upon the towns, that were then in being (viz.) the town of Bergen, Elizabeth town, Newark upon Pishawack river, Woodbridge, Middletown, and Shrewsbury, that is to say five pounds for each town: now the major part of the inhabitants of Middletown, and Shrewsbury, refusing to pay the same contrary to the consent and act of their own deputies, and likewise refuse to submit to the laws of this government, *It is hereby enacted* by this present General Assembly, that Mr. Luke Wattson, and Mr. Samuel Moore, shall go and demand the aforesaid rate of five pounds from each town, together with forty shillings more from each of the said towns, which is their just proportion of a rate of twelve pounds now made by this present General Assembly, for the defraying of publick charges, which if they refuse to pay, the said Luke Wattson and Samuel Moore, to take by way of distress, together with the charges and expences the country is and shall be at for their obstinate refusal of paying their just dues according to law, and for their so doing the General Assembly doth undertake to save them harmless.

It is further enacted by the authority aforesaid, that Luke Watson, and Samuel Moore, aforesaid, do demand the positive resolution of the in-

An Act to enforce the Inhabitants of Middletown, and Shrewsbury, to pay the rate.

To give their answer and to know whether or know they will submit to the Government.

habitants, or the major part of them of the said towns, whether or no they will submit to the laws and government of this Province, under the Right Honourable John Lord Berkeley and Sir George Carteret Knight and Baronet, the absolute Lords Proprietors of the same, according to his Royal Highness the Duke of York's Grant, upon which answer the General Assembly will proceed accordingly.

A Rate of 12 Pounds Sterling. *It is ordered and enacted* by the General Assembly, that the six towns shall pay twelve pounds sterling, forty shillings each town, for the defraying of publick charges, viz. Bergen, Elizabeth town, Newark, Woodbridge, Middletown, Shrewsbury, and this to be brought in with the former rate.

These acts were concluded, and agreed upon the seventh day of November 1668.

JA. BOLLEN, Secretary.

The sixth of November, 1668.

A Message sent in by the Deputies to the Governor and his Council.

HONOURED GENTLEMEN,

WE finding so many and great inconveniences by our not setting together, and your apprehensions so different to ours, and your expectations that things must go according to your opinions, though we see no reason for, much less warrant from the concessions, wherefore we think it vain to spend much time of returning answers by writings that are so exceeding dilatory, if not fruitless and endless, and therefore we think our way rather to break up our meeting, seeing the order of the concessions cannot be attended unto.

The Answer by the Governor and his Council.

IN answer to your last proposition, we desire you to appoint two of your deputies to consider with us,

in what point we act contrary to the concessions, it being too late to night to entertain so long a debate, we will be ready to-morrow morning to give them a hearing, and if reason will satisfy you, we shall be very well pleased that you proceed according to the Lords Proprietors concessions and the trust imposed upon you, if not you may do what you please, only we advise you to consider well of your resolutions before you break up.

Copia vera.

JAMES BOLLEN, Secretary.

The Oaths of Fedility to his Majesty and the Lord Proprietor of the Province of New Jersey.

THAT I will bear true allegiance to the King Anno 1675, of England, his heirs, and successors, and I will be faithful to the interest of the Lord Proprietor of this Province, his heirs, executors, or assigns, and endeavour the peace and welfare of the said Province, and that I will truly and faithfully discharge the trust imposed upon me, according to my best skill and judgment, and without corruption favour or affection. So help me God.

The Oaths of Allegience.

I DO truly and sincerely acknowledge, profess, Anno 1675. testify and declare in my conscience, before God and the world, that our Sovereign Lord King CHARLES, is lawful and rightful King of this realm, and of all other his Majesty's dominions and country's, and that the Pope, neither of himself, nor by any authority of the Church, or Sea of Rome, or by any other means with any other, hath any power or authority to depose the King, or to dispose any of his Majesty's kingdoms or dominions, or to authorize any foreign prince to invade or annoy him or his country's, or to discharge any of his subjects of their allegiance and obedience to his Majesty, or to give licence or leave to any of them to bear arms, raise tumults, or to offer any violence or hurt to his Majesty's royal person,

state, government, or to any of his Majesty's subjects within his Majesty's dominions. Also I do swear from my heart, that notwithstanding any declaration or sentence of excommunication, or deprivation made or granted, or to be made or granted by the Pope or his successor, or by any authority derived or pretend to be derived from him or his See against the said King, his heirs and successors, or any absolution of the said subjects from their obedience, I will bear faith and true allegiance, to his Majesty, his heirs and successors, and him and them will defend to the utmost of my power, against all conspiracies and attempts whatsoever, which shall be made against his or their persons, their crown and dignity, by reason or colour of any such sentence or declaration, or otherways, and will do my best endeavours to declare and make known unto his Majesty, his heirs and successors, all treasons and traitorous conspiracies, which I shall know or hear of, to be made against him or any of them. And I do further swear, that I do from my heart abhor, detest and abjure, as impious and heretical, this damnable doctrine and positions that princes which be excommunicate or deprived by the Pope, may be deposed or murdered of their subjects, or any other whatsoever, and I do beleive and in conscience am resolved, that neither the Pope nor any other person whatsoever hath power to absolve me of this oath or any part thereof, which I acknowledge by good and full authority to be lawfully administered unto me, and do renounce all pardons and dispensations to the contrary, and these things I do plainly and sincerely acknowledge and swear according to the express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation, or a mentall evasions, or secret reservation whatsoever, and I do make this recognition and acknowledgement heartily, willingly and truly, upon the true faith of a Christian. So help me God.

At a General Assembly, began at Elizabeth Town the fifth of November 1675. the persons under written were present, and sworn to both the oaths of allegiance to the King and fidelity to the Lord Proprietor of the Province.

Phillip Carteret, Esq ; Governor.	}	of the Council and did take the oaths.
Capt. John Berry,		
Capt. William Stanford,		
Capt. John Pike,		
Mr. Lawrence Andrisson,		
Mr. John Bishop, senr.		
Mr. James Bollen, Secretary.	}	Subscribed.
Mr. Robert Vanguellin,		

A List of the Deputies, or Representatives of the County.

Henry Lyon,	{	for Elizabeth	}	have taken the oaths.	
Benjamin Price,		Town.			
Hans Dedrick,	{	for Bergen.			
Elias Michelson,					
Thomas Johnston,	{	for Newark.			
Lieutenant John Ward,					
Samuel Denis,	{	for Wood-			
Thomas Bloomfield, jun.		bridge.			
John Gillman,	{	for New Pis-	}	have sub- scribed.	
Hopewell Hull,		cataqua.			
Capt. John Bound,	{	for Middle-	}		
John Throgmorton,		town,			
William Shatlock,	{	for Shrewsbury,	}		
John Stocum,		John Stocum			
		hath subscribed, but the other refusing to swear or subscribe was dismissed.			

The thirteenth of November, 1675, by consent this Sessions is adjourned to Monday come fortnight, being the 29th of this instant, by ten of the clock in the morning.

JAMES BOLLEN.

The Acts of the General Assembly.

FORASMUCH as it is requisite of necessity amongst all men to be in a posture of defence against enemies, or dangers that may accrue, and especially we being invited hereunto by the insolence and outrages of the heathens in our neighbouring Colonies, not knowing how soon we may be surprised.

Be it therefore enacted by this present Assembly that every male within this Province from sixteen years old, unto sixty, be provided at his own cost and charge with a good and sufficient firelock, gun, and one pound of powder, twenty four bullets fitted to the gun, or four pound of pistol bullets, six flints, a worm and priming wire fit for the said gun, a good sword, bandeleers, cartridge box, or powder horn to carry the aforesaid powder, and that every man be thus furnished within a fortnight after publication hereof, upon the penalty of paying for every default as follows, viz. the first default of a gun, two shillings and six-pence, the second default five shillings, and so to continue; sword one shilling, bandeleers horn or cartridge box one shilling, powder three shillings, bullets three-pence, flints three-pence, wire three-pence, worm six-pence, and that the serjeant with the corporal, do by order from the commission officers, view arms at least once every quarter, or as often as the said officers shall see cause, which said fines shall be collected by the clerk of the band, with order from the captain, who shall be assisted by a serjeant in the execution thereof, for the use of the company, and upon refusal of payment to be taken by distraint.

Arms repaired. II. WHEREAS there is a necessity that some be employed in the repairing of arms, and for the encouragement of those that shall do.

Be it enacted, that all officers, so capacitated shall be ready upon all occasions to attend such work or service according to his or their abilities, for which the said workmen shall have due satisfaction in reason both for quality and quantity, and if any refuse to perform the same, to be committed to the common gaol by warrant from the captain of each town, to the consta-

ble, there to remain without bail or mainprize, till he hath answered his contempt, the same to reach to all wheelrights, carpenters, and for repairing what is necessary to the public service.

III. For the better security of our selves and families with reference to the Indians.

It is further enacted by this present Assem-
bly, that there shall be a place of fortification or fortifications made in every town of this Province, and a house therein for securing of women and children, provision and ammunition in case of eminent danger by the Indians, all which to be done at the cost and charge of each town, to which the fortification or fortifications do belong. And for the more speedy accomplishment thereof, it shall be left to the discretion of the military officers and free men, whom the town shall chuse to be joined with them, but in case they cannot agree, then the Governor to be umpire; but if the town shall refuse to make choice of men as aforesaid, then the power to remain in the hands of the captain and the other military officers, and this to be done forthwith after publication hereof, and any person or persons, that shall refuse to come at the time and place appointed them by the persons that have the ordering of the said work, with such tools as is necessary for the aforesaid work, shall for every days default pay by way of fine the sum of three shillings, to be destrained, by warrant from the captain, upon his or their goods and chattels, for a man and team six shillings, to be destrain'd as aforesaid by the clerk of the band, who shall be assisted by a sergeant, in the execution thereof, which said fines shall be improved for the use of the town in the which it is taken, the delinquets to bear the charges occasioned by his or their defaults.

Fortification in
each towne.

IV. WHEREAS it is usual and at all time,
but especially in times of danger, not only to
have every particular soldier to be well fixed with arms and
ammunitions, but also that their be a publick stock for sup-
ply, if necessity should require.

Publick stock
of Ammunition.

It is therefore enacted by this Assembly, that every town within this Province shall take effectual care to be provided with half a barrel of good serviceable powder, and one hundred and sixty pounds of lead, for a publick stock, this to be done within two months after publication hereof, the same to keep and maintain in good condition, fit for service; each town that shall be found remiss herein, shall pay for every weeks neglect by way of fine, the sum of five pounds sterling, to be destrain'd upon their goods and chattels, by the country marshal, with orders from the for a Governor for the use of the publick.

V. WHEREAS Jacobs Mollins, by petition exhibited to the Hon. Governor and Council and General Assembly, salary for his being the Province treasurer.

The deputies having taken it in to consideration and finding that he hath done something in it, it is agreed that the said Jacob Mollins shall bring unto the secretary of the Province, a just record of his accompts, and to have for his salary the sum of twenty shillings. November the twelfth, 1675.

November the thirteenth,

VI. Having taken into serious consideration the great charge that hath been occasioned by a necessity of keeping courts within this Province, as also the necessity that courts of justice be maintained and upheld amongst us, which said courts may go under denomination of county courts.

Courts of Sessions.

It is therefore enacted by this Assembly, that there be two of the aforesaid courts kept in the year in each respective county, viz. Bergen, and the adjacent plantations about them, to be a county and to have two courts in a year, whose sessions shall be the first Tuesday in March, next and the last Tuesday in September. Elizabeth Town and Newark to make a county and have two courts in a year, whose sessions shall be the second Tuesday in March, and third Tuesday in September. Woodbridge and Piscataqua, to be a county and to have two courts, the first of them the third Tuesday in March, and the second Tuesday in September. The two towns of Nevysink to make a county, their sessions to

be the last Tuesday in March, and first Tuesday in September. And for the conveniency and ease of the inhabitants, and preventing of charge to the publick or plantations concerned in each county, that the members of the respective courts may be elected out of the county, to which the aforesaid court or courts do belong, and that no appeal be granted from the said county courts, under twenty pounds, except to the bench or to the Court of Chancery.

The Fees of the abovesaid County Courts as followeth.

	<i>S.</i>	<i>D.</i>
To the members of the court for each action,	7.	6.
To each juryman for tryal of each action,	0.	9.
The clerk fees for summons and entring,	2.	0.
For entring judgment,	0.	9.
For an execution,	1.	6.
For an order in court,	1.	6.
For a copy of an order and judgment,	1.	6.
For taking a deposition,	0.	9.
For recording an attachment,	1.	6.
For recording a petition,	1.	6.
For recording any other writing according to the judgment of the court.	}	0. 6.
The county marshalls fees for serving of a warrant, if above a mile six-pence for every mile.		
For his attendance upon the court each action,		

VII. *It is further enacted*, that there shall be a court of assize held in this Province the first Tuesday in October, yearly in the town of Woodbridge, or where the Governor and Council shall appoint, if there be occasion thereof, the fees of the Province court, to be double the fees of the county court.

VIII. *It is further enacted* by this Assembly, that all causes actionable, shall be tryed at the county court, from whence there shall be no appeal granted, under the sum of twenty pounds, except to the bench or Court of Chancery.

Freeholders
not to be arrest-
ed.

IX. *It is also enacted*, by this Assembly, that no freeholder shall be arrested for debt within this Province, except it appears that he is conveying away of his estate, or otherwise intended to defraud his creditor, and that no freeholder within this Province shall be sued but within that county, where his freehold is, but it shall be lawful for the justice of the peace, to grant a warrant to summons the aforesaid party or parties to answer in that county where he is a freeholder.

X. WHEREAS we find a necessity for a levy to be raised within this Province to discharge such debts as are to be paid by us, and that an equal way may be attended in proportion in the same.

Levy for coun-
ty debt, to be
raised upon land.

It is therefore enacted, by this Assembly, that all persons within this Province shall be rated according to their proportion of land, already taken, or to be taken, by the inhabitants, according to the rule prescribed in the Concessions ; as also all such land as have been appropriated by persons not living within this Province shall be liable to their proportions according to rule, so for persons living within this Province who make a great benefit of the timber, and commons within the several towns, as also all other tradesmen not being freeholders, shall pay equal with those who have taken according to a single share. *Provided*, that the aforesaid inhabitants, that have not taken up land, have had their residence a twelve month within the Province.

December the Second, 1675.

Lord's Day
prophaned.

XI. *It is further enacted* by this Assembly, that whosoever shall prophane the Lord's Day, otherwise called Sunday, by any kind of servile work, unlawful recreations, or unnecessary travels on that day, not falling within the compass of works of mercy or necessity, either willfully or through careless neglect, shall be punished by fine, imprisonment, or corporally, according to the nature of the offence, at the judgement of the court justice or justices where the offence is committed.

Ministers not
to be disturbed.

XII. *Be it further enacted*, that if any person whatsoever shall disturb any

public minister in time of divine service, shall be by the constable, or some other officer, secured and carried before some justice of the peace to be bound over to the next court, to receive such punishment as upon due examination, the court shall see cause to inflict.

XIII. *Be it enacted* by this present Assembly, that for the better maintaining and upholding of the lawful authority of the Province, and for the encouragement of the same, if any person or persons, shall resist the authority established by the Lord proprietor, as namely the Governor, councilers, justices of the peace, either in words or actions, either by wounds, blows, or the like, or by speaking contemptuously, reproachfully, or maliciously, of any of them, as also to or of the marshal, or the respective constable in or for the due execution of their respective offices, they, and either of them, shall be liable to such fine, banishment or corporal punishment, as the court before whom it shall come, shall judge meet upon due examination thereof, from whose sentence no appeal to be allowed, the fines to be levied by way of distress, according to the order of the said court for the use of the publick.

Resisting the
lawful Author-
ity.

XIV. WHEREAS several persons have been constrained for the recovery of their just debts, to bring their actions in court at common law for small sums of money, not sufficient to countervale the charges of a jury, but to the prejudice of the debtors or creditors, for the prevention whereof,

Monthly Court.

Be it enacted by the present General Assembly, that no debt under the sum of forty shillings shall be actionable in any county or corporation court, but shall be tryed by two or three persons that shall be chosen by the towns yearly, to end such difference under the sum aforesaid, who shall have power to grant out warrants of summons, to call before them the party against whom complaint is made, and them to hear and determine as the same shall appear by evidence, and the same to put in execution. *Provided*, that this shall not extend to any but to such as are freeholders and inhabitants of this Province, the court to go under the denomination of a monthly court of small causes ; and that there be two

officers thereunto belonging, a clerk and a messenger.

The Fees.

	<i>S.</i>	<i>D.</i>
The clerks fees for writing a warrant,	0.	4.
For entering the action,	0.	4.
For entering the judgment,	0.	6.
For an execution,	0.	6.
The messengers fees for serving a warrant if above a mile four-pence a mile,	{	0. 4.
For serving an execution according to the diffi- culty of it, and the expence of time,		
The three select men that are to decide the causes,	3.	0.
Every wittness,	0.	6.

And this Court to be holden the first Wednesday in every month in each town of this Province, if occasion be. *Provided*, this act doth not extend to the infringing the liberty of any Charter already granted.

It is ordered and agreed, that a justice of the peace shall be one of the said court, and upon recovery of a debt, if a poor man, then it shall be in the power of the court, to order the time and space for the payment thereof.

Record Birth,
&c. XV. *It is enacted* by this present Assembly, that the clerk of each town within this Province, shall record in a book provided by the town, all births, marriages and deaths within the compass of the aforesaid towns, and to have for his pains and care, three-pence a name, and he or they that shall neglect to bring in to the clerk or the recorder of the town, the abovesaid record as occasion shall require, for every such neglect the first week, shall pay one shilling, and the second weeks neglect two shillings, to the aforesaid clerk for the encreasing of his fees.

Distrainment how. XVI. *Be it also enacted*, that if any person or persons shall fall under the fine of a penal law, no officer shall be allowed to lay distraint upon his or their arms, or ammunitions, plow irons, or

chains, horses, or cattle belonging thereunto which are so necessary unto their livelihood.

XVII. That the laws may be the more duly Grand jury. executed *it is therefore enacted* by this Assembly, that there shall be persons chosen out of each town within this Province, that may be called grand jury men, who shall be under oath to take notice of all such persons as shall at any time transgress the law provided to suppress disorders, and them to present to the next court in that town where the offence was committed; and where no such court shall be, then to the county court, there to receive such punishment as the law prescribes: And if any person when chosen by the town for that service shall refuse to serve, shall pay by way of fine the sum of thirty shillings, to the town, to be levied upon his estate by the constable of each respective town, by order from a justice of the peace. *Always provided*, that no town shall oppress their neighbours by continuing them in the place above the space of one year.

To prevent disorderly taking up of horses and hogs out of the wood.

XVIII. *Be it enacted* by this General Assembly, that no person within this Province, shall Ranging the commons. have liberty to range the commons of any town, to take up horses or hogs, except within their own township, but he or they shall first make the constable of the town in which their horses or hogs have their range, acquainted with their intentions, as also the natural and artificial mark belonging to such horses and hogs as they intend to take up, and upon his or their return shall bring all such horses and hogs belonging to the same town, or the town whereunto they do belong, who shall take an account of all marks belonging to the horses and hogs, who is required to keep a record of the same: And whosoever shall contrary to this order range the commons as abovesaid, shall be liable, upon proof thereof, to be by the town prosecuted as a trespasser, and in case any such person or persons shall have taken up and carried out of the township, any horse or hogs, contrary to the premises, shall be liable to pay by way of fine, the sum of five pounds, one half to the informer, the other half to the publick, to be de-

strained by the country marshal, with order from the Governor; and if it shall appear they are not his own, to make good all such horses or hogs, with just damages as any person or persons have sustain'd by such unlawful proceedings.

Governor five
shillings for a
seal.

XIX. *It is enacted* by this Assembly, that there shall be allowed to the Governor for fixing the Province seal to any instrument of writing five shillings, excepting patents and what concerns the publick.

Highways.

XX. *Be it enacted* by this Assembly, that there shall be two men in each town in the Province, appointed to lay out common highways.

Wolves 15 shil-
lings for killing.

XXI. *Be it enacted*, that whosoever shall be at any pains or cost for killing of wolves within the bounds of any of the towns within this Province, shall have for every grown wolf so killed, fifteen shillings out of the country treasury.

Country rates
for the value of
species.

XXII. *Be it enacted* by this Assembly, that the valuation of the species concerning the pay for this country's rate, shall be as followeth.

	S.	D.
Winter wheat, at five shillings per bushel,	5	0
Summer wheat, at four shillings and six-pence per bushel,	4	6
Pease, at three shillings per bushel,	3	0
Indian corn, at three shillings per bushel,	3	0
Beef, at two-pence a pound,	0	2
Pork, at three-pence a pound,	0	3
Try'd tallow, at six-pence a pound,	0	6
Green hides, at three-pence a pound,	0	3
Dry hides, at six-pence a pound,	0	6
Beef the barrel, fifty shillings,	50	0
Pork the barrel, three pounds ten shillings,	70	0
Tobacco, good and merchantable, at four-pence per pound,	0	4
Rye, at four shillings per bushel,	4	0
Bacon, good and merchantable, six-pence a pound,	0	6
Hogs fat good and try'd at six-pence a pound,	0	6
Good barley, at four shillings a bushel,	4	0

XXIII. *Be it enacted* by this Assembly, that no person or persons of what state or degree soever within this Province, shall under any pretence sell, give or any other ways supply any Indian or Indians, with any guns or ammunition whatsoever instrumental for war, or what quantity or worth soever, be it never so small, upon the penalty of forfeiting for the first offence, the sum of ten pounds, if above the value of one shilling, Ammunition not to be sold to the Indians. then after the rate of ten pounds for every shilling worth so sold; for the second offence to forfeit double the penalty as abovesaid, being thereof convicted, to be levyed upon his estate by the county marshal, by order from the Governor and two of the Council at the least, which fines are to be divided as followeth, one half to the informer and prosecutor, and the other half to the publick. Penalty ten pound.

XXIV. *Be it further enacted*, that no blacksmith, or locksmith, or any other person whatsoever within this Province, do make, mend or any way repair any Indians gun or guns, upon the penalty of paying, being thereof convicted, for the first offence the sum of twenty shillings, for the second offence forty shillings, and for the third offence, to double the whole and so to continue, which fines to be one half to the informer, and the other half to the public use. Indians guns not to be repaired.

XXV. *Be it also enacted*, that every person of sixteen years of age and upwards, of discretion, that shall wittingly and willingly forge or publish any false news, whereof no certain authority or authentick letters out of any part of America, can be produced, whereby the minds of people are frequently disquieted or exasperated in relation to publick affairs, shall for the first offence, being thereof convicted, by sufficient witnesses, before some court of record, pay by way of ten shillings, to the use of the publick, if he have no estate, then to stand to the mercy of the court; for the second offence, being thereof convict by witnesses as aforesaid, to be stockt or whipt, according to the nature of his offence. False news.

Ninth of December, 1675.

XXVI. *Be it enacted* by this General Assembly, that Mr. Samuel Moore of Woodbridge, shall be the Country Treasurer for this Province for the year ensu- Treasurer.

ing, and for his pains and care he shall have nine-pence per pound.

XXVII. *Be it enacted* by this present Assembly, that the rate now made by the Assembly, for defraying of the charges that have been risen in and upon the country shall be brought into the country treasurer, or where he the said treasurer shall order and appoint, within a month after publication hereof, for the effecting whereof, the constable of each town within the Province shall require the inhabitants to bring it into the place, where he the said constable shall appoint, to be disposed of as aforesaid; and upon default hereof, destraint to be made by the aforesaid constable, having a warrant from some Justices of the Peace.

Fifty pound to the Governor.

XXVIII. *Be it further enacted* by this General Assembly, that considering the charges the Governor hath been at from the time of his last arrival untill this present sessions, in his voyage to Delaware, treating the Indians, and other publick expence, there be allowed unto him out of the publick treasury for defraying the same, the sum of fifty pounds, and that the voluntary subscription for the Governors arrears, be proceeded in, within twenty days after publication, and the sums subscribed to be paid unto the constables of the respective towns, one third part this Winter, one third part the next Winter, and the other third part the Winter succeeding that, or sooner if they please so to do.

Capital Laws.

Burning houses. I. *Be it enacted* by the authority aforesaid, that if any person or persons whatsoever shall maliciously, wittingly, or willingly, set on fire any dwelling house, or houses, store house, barn or stable, or any kind of house or houses, corn, hay, fencing, wood, flax, or any other combustible matter, to the prejudice and damage of his neighbour, or any other person or persons whatsoever, shall be committed to prison without bail or mainprize, and make full satisfaction; and if he or they are not able to satisfy the damage sustain'd by such a willful and malicious act, then to stand to the mercy of the Court whether to be try'd for life, or to suffer some other corporal punishment, as the Court

shall judge, all circumstances being first duly examin'd and considered of.

II. ITEM. If any person or persons shall Murder poison. wittingly or willingly, by lying in wait, poison, or any other way commit willful murder, they shall be put to death.

III. ITEM. If any person or persons shall False witness. wittingly or willingly and maliciously rise up to bear false witness, or purpose to take away a man's life, they shall be put to death.

IV. ITEM. If any man or woman shall lye Buggery. with any beast or brute creature by carnal copulation, they shall be put to death ; and the beast shall be slain and burnt.

V. ITEM. If any man lyeth with mankind, as he lyeth with a woman, they both shall be put to death ; except the one party were forced, or under fourteen years of age, in which case he shall be punished according to the discretion of the court.

VI. ITEM. If any man shall willfully or for- Stealing man. cibly steal away any mankind he shall be put to death.

VII. ITEM. If any person within this Prov- Burglary. ince shall commit burglary, by breaking open any dwelling house, store house, ware house, out house or barn, or any other house whatsoever, or that shall rob any person in the field or highways ; he or they so offending shall for the first offence be punished by being burnt in the hand with the letter T, and make full satisfaction of the goods stolen, and the damages that are done ; and for the second time of offending in the like nature, besides the making of restitution, to be branded in the forehead with the letter R. And for the third offence to be put to death as incorrigible.

VIII. ITEM. If any person or persons with- Theft. in this Province shall be found stealing, or proved to have stolen any goods, money or cattle, or any other beast of what kind so ever, shall make treble restitution for the first offence, and the like for the second and third offence ; with such further increase of punishment as the court shall see cause ; and if incorrigible to be punished with death. And in case they are not able to make restitution for the first, second

and third offence, they shall be sold, that satisfaction may be made : but in case any person be disabled through poverty, or otherwise to make restitution in kind, or the value thereof, as well concerning the law of burglary as to this of theft, he or they so offending, shall be liable to such corporal punishment as the court shall think fit to inflict upon them ; and notwithstanding restitution shall be made of all or so much of the goods so stolen as can be discovered, in whose hands or custody soever they be found.

Witch. IX. ITEM. If any person be found to be a witch, either male or female they shall be put to death.

X. ITEM. If any child or children above sixteen years of age, and of sufficient understanding, shall smite or curse their natural father or mother, except provoked thereunto, and forced for their safe preservation from death or maiming, upon the complaint or proof of the said father or mother, or either of them (and not otherwise) they shall be put to death.

Rape. XI. ITEM. If any man shall force a maid or married woman, he shall be put to death, or severely punished according to the discretion of the court.

Adultery. XII. ITEM. If any person or persons shall commit adultery, they shall be divorced, corporally punished or banished, either or all of them, all circumstances being first duly examined and considered of, as the court shall judge.

Disorders Night walking. XIII. For the better preventing disorders and misdemeaners in young persons and others, *Be it also enacted* by this Assembly, that if any person or persons shall be abroad from the usual place of their abode, and found in night walking, drinking in any tapp-house, or any other house or place at unseasonable times, after ten of the clock at night, and not about their lawful occasions, or cannot give a good account of their being absent from their own place of abode at that time of the night, if required of them, shall be secured by the constable or some other officer, till the morning, to be brought before a justice of the peace or magistrate, to be examined, and if they cannot give them a satisfactory ac-

count of their being out, at such unseasonable times, he or they shall be bound over to the next court, and receive such punishment as the justices upon the bench shall see cause to inflict upon them.

XIV. It is also enacted that within one Stocks. month after publication hereof, there be a sufficient pair of stocks, made in the respective towns for securing of offenders, upon the penalty of five pounds for the use of the publick.

XV. Concerning fornication, it is enacted Fornication. by the authority aforesaid, that if any man commit fornication, with any single woman, they shall be punished by enjoining marriage, fine, corporal punishment, either of which according to the direction of the court; and the parties so offending shall put in good security for the discharging of the town or parish from any charge occasioned by such unlawful births.

XVI. Concerning that beastly vice of drunk- Drunk. enness, it is hereby enacted, that if any person be found to be drunk, he shall pay one shilling fine for the first time, two shillings for the second, and for the third time, and for every time after two shillings and six-pence, and such as have nothing to pay, shall suffer corporal punishment, and for those that are unruly and disturbers of the peace, shall be put in the stocks, until they are sober, or during the pleasure of the officer in chief in the place where he is drunk.

XVII. Concerning swearing, it is enacted Swearing. by the aforesaid authority, that if any person or persons shall profanely take the name of God in vain, by swearing or cursing, he or they shall pay for every such offence one shilling, half to the informer, and the other half to the country.

XVIII. Concerning taking away of a man's Taking away a man's life. life, it is enacted by this present General Assembly, that no man's life shall be taken away under any pretence but by virtue of some law established in this Province, and that it be proved by the mouth of two or three witnesses.

XXIX. For the preventing of unlawful mar- Marriages. riages, it is ordered and enacted by the same authority, that no person or persons, son, daughter, maid or servant, shall be mar-

ried without the consent of his or their parents, masters or overseers, and three times published in and at some publick meeting, or church, where the party or parties have their most usual abode; or set up in writing their purposes of marriage, on some public house where they live, and there at least to abide for the space of fourteen days before marriage, which is to be performed in some public place, if possible may be, and none but some approved minister or Justice of the Peace within this Province, or some chief officer, where such are not, shall be allowed to marry or admit of any to join in marriage, in their presence, and under the penalty of twenty pounds for acting contrary hereunto, and to be put out of their office, according to the liberty of the conscience granted by the Lords Proprietors in their Concessions: *Always provided*, that is and may be lawful for the Governor to grant his licence, under his hand and seal, to any person or persons that are at their own disposing, or to any other under the tuition of their parents, masters or overseers, to join in matrimony: provided that the parents, masters or overseers are present and consenting thereunto, or that their consent be attested by some publick officer, and presented to the Governor before the granting thereof, and the others to clear themselves by oath or by certificate.

Pounds. XXX. Concerning pounds, it is enacted by same authority, that every plantation within this Province, do make and maintain a good sufficient pound for all sorts of cattle, within a quarter of a year after publication of this act, and if any trespass or damage be done by horses, cattle, sheep or swine of any kind whatsoever, in any man's corn, hay, flax or any other fruits, when the fence is judged sufficient, they shall pay all damage whatsoever: but in case there be no fence, or not a sufficient fence, then he that owns the defective fence or fences whatsoever, shall bear the damages and the cattle shall be free.

Viewers of fences. XXXI. *And be it further enacted* that every town shall chuse and appoint two of the freeholders to be the viewers of their fence or fences, from time to time as need shall require.

XXXII. *It is also enacted*, that if any person or persons shall at any time break up the pound, Breaking up pound. shall pay a fine of five pounds ; twenty shillings thereof to be paid to the informer, and the remainder to the use of the publick.

XXXIII. Concerning fugitives, *It is enacted* Fugitive. by the same authority, that every apprentice and servant that shall depart and absent themselves from their masters or dames, without leave first obtain'd, shall be judged by the court to double the time of such their absence, by future service, over and above other damages and costs which the master and dame shall sustain by such unlawful departure.

XXXIV. *And it is further enacted*, that who-soever shall be proved to have transported, or Transported servants. contrived the transportation of any such apprentice, servant or slave, shall be fined five pounds, and all such damages as the court shall judge, and that the master or dame can make appear, and if not able, to be left to the judgment of the court, *It is further enacted*, that every inhabitant that shall harbour or entertain any such apprentice, servant or slave, and knowing that he hath absented himself from his service upon proof thereof, shall forfeit to their master or dame ten shillings for every days entertainment or concealment, and if not able to satisfy, to be liable to the judgment of the court.

XXXV. WHEREAS the tenth article in the Concessions saith, that the Assembly act shall make provision for the maintainance and support of the Governor, and defraying the charge of the government, and it being the sense and understanding of the Governor, the Council and Representatives now assembled, that the true intent and meaning of the Right Honourable Sir George Carteret, Knight and Baronet, Lord Proprietor of this Province, in that article is, that it doth and shall remain in the liberty of the said Assembly, yearly to ascertain the sum of money for the inhabitants to pay for, or towards the Governors maintenance for the time being. General Assembly to ascertain the Governors maintenance yearly.

WHEREFORE BE IT ENACTED by the Governor, Council and Representatives, now assembled,

that the General Assembly of this Province, shall yearly from and after this present year 1675, yearly settle and by act determine, the sum or sums of money, that shall be paid for that present year by the county to the Governor for the time being, for or towards his maintainance, and to prescribe the rule for raising the same, in current pay of the country, without charge to the Governor; and that no Governor hereafter, shall or may claim from or impose upon the inhabitants any other sum or sums of money for or towards his maintainance, then such as the Assembly for the time then being, shall adjudge and allow to be reasonable and suitable to the condition of the Province.

House lots. XXXVI. *Be it enacted* by this Assembly, that house lots whilst lying in general, all persons interested therein shall be compellable to maintain their proportions of fence, so long as they improve in common.

Acts of oblivion. XXXVII. WHEREAS divers disorders and disturbances have arisen in this Province by reason of some endeavouring and making an alteration of the Government established by the Lords Proprietors thereof, by which means several damages, costs and charges have accrued to divers the inhabitants of the same, and the Lord Proprietors having by their last orders given liberty to such as have received such damages, costs and charges to recover the same by due course of law, whereby many actions, quarrels and other differences may arise among the inhabitants, in general, for prevention whereof; *Wherefore be it enacted* by this General Assembly, that there shall be an utter abolishing of all actions, tending to recover damages, costs and charges, for any action committed or done against any one within this Province, that hath been a party or any way concerned in the endeavouring and making an alteration in the Government here settled by the Lords, any time from the year 1670, until June 1673, and likewise of all actions tending to recover price for any goods, or labour imployed during the same time for the defence of the said Province, excepting such accompts as have been settled and allowed by this Assembly. *And be it further enacted* by the authority aforesaid, that no contract made with any parties, then in rebellion against the go-

vernment, or any person of that party, to the use and behoof or maintainance of the said difference against this government, or any person belonging to the same, shall be actionable in any court within this Province. And the honoured the Governor and his Council, out of their tender affection to the inhabitants of this Province, is further pleased that it should be enacted, and it is enacted by the authority aforesaid, that all the inhabitants and members of this Province, shall be absolutely and freely pardoned of all the offences whatsoever, capital, or other committed or perpetrated at any time from the aforesaid year, 1670, until the first of June in the year 1673. And for the better preserving of peace and unity, it is also enacted by the aforesaid authority, that all revilling speeches, practices, or intents tending to the disturbance of the amity desired and intended, namely all reviling or upbraiding of others with matters of difference whatsoever, remitted and pardoned by the honoured Governor, or abolished by virtue of this act, be buried in oblivion, not to be urged upon what pretence soever, upon pain of imprisonment during pleasure, fine, banishment, stocking, whipping, any or more of these as upon due examination, all circumstances being first considered, the court of assizes shall judge meet. *Provided*, that whatsoever hath been recovered by law from any person or persons, or imposed by way of fine or otherwise at any court or courts within this Province to this present sessions, shall stand good and not be discharged or made void by this act.

Acts of the General Assembly, 6th of April 1676.

Viewer of Fences.

I. **I**T *is enacted* by this present Assembly,

that every person interested in the improvement of common fields, or any field inclosed for corn, or other necessary use, shall from time to time make and keep his part of the fence sufficiently strong and in constant repair, to secure the corn and other fruits therein, the height of the fence to be four foot three inches ; and shall not put, cause, or permit any cattle to be put in, so long as any corn or other fruit shall be growing or remain upon any part of the land so enclosed, unless by some general express agreement of such as are interested. And if at any time the owners or occupiers of any such enclosed field, cannot or do not agree in any part of the premises, then upon due and reasonable notice given to the constable and two sufficient men, deputed by the town, to take cognizance thereof, and to order, determine and issue all such differences not exceeding the value of ten shillings, and if so to be presented by the aforesaid constable and select men to the town court, and where no town court is, to the county court, and whosoever shall oppose and transgress, shall be liable to all damages proved to grow thereby, and to such further fine for breach of order, respecting the premises, as the aforesaid constable and select men shall judge meet : And the said town or towns shall, from year to year, appoint one, two or more of the planters for all or each common field, belonging to the town or towns where they dwell, to view all fences within their trust, and to take due notice of the real defects, and insufficiencies thereof, and shall forthwith acquaint the owners with the same, and if the said owners or occupiers do not at furthest within six days (or sooner if the said constable and select men see cause) and so appoint sufficiently repair or cause the same to be repaired, he or they shall forthwith upon the demand of the appointed viewer or viewers (besides other just damages) pay as a fine to the town twelve-pence for every rod, if there be a considerable quantity of such defective fence together, or for every single defect, in such faulty fence, or the said viewer or viewers taking due witness of the defects, may (if it suit their conveniences) forthwith repair or renew them, or

cause them to be repaired or renewed, and shall have double recompence for the same, to be paid, besides other just damages, by the owner or occupiers of the said insufficient fence or fences ; and in either case if payment be denied or delayed, the said constable and select men, shall levy the same forthwith upon the estate of the delinquent, to the use of the viewer or viewers.

And where lands lye in common unfenced, if one man shall improve his land, by fencing in several, and others one or more shall not, he who shall improve shall secure the lands from other men's cattle, (unruly cattle excepted) who shall compel no man to make any fence with him, except he also improve in several, and where one man shall improve before his neighbour, and so make the whole fence, if his said neighbour shall after improve, he shall then satisfy for half the other fence against him, according to the present value, and shall maintain the same, and if the first man shall after lay open his fence or land, then the said neighbour shall both enjoy the said half fence purchased, and shall have liberty to buy the other half fence against his land, paying according to the present worth, as it shall be rated by two men indifferently chosen ; and the like order shall be when any man shall improve land against, or adjoining to a town common, provided this extend not to house lots, in which if one shall improve, his neighbour or neighbours, shall be compellable to make and maintain one half of the fence between them, whether he or they improve or not. *Provided also*, that no man shall be liable to damage done in any ground not sufficiently fenced, and himself not interested in the defective fence or some part of it, except the damage were done by prohibited or unruly cattle of any sort, in which case swine are included, which cannot be restrained by ordinary fences, or where any shall unwarrantably put in cattle of what sort, or under what colour or pretence soever, or otherwise willfully trespass upon his neighbours grounds.

All cattle shall be marked with the publick mark of the town to which they belong, and the private mark of the owner, and when they are sold to any other town, the purchaser shall cause the town mark of the place where

Cattle and
Swine to be
marked.

he inhabits, (besides his own particular mark) to be set on over the mark of the town from which he bought them.

All those who shall have their cattle marked with the town mark, shall pay to the officer that marked them, two-pence a head. All horned beasts shall be marked upon the horn with the town mark, to which they do belong.

That whatsoever swine or greater cattle (horses excepted) shall be found in the woods, or commons, unmarked, are liable to poundage, and being either pounded or otherwise, prosecuted and proved, the owner shall pay for each swine marked, three shillings four-pence, of which half the fine to the pounder or prosecutor, and the rest to the constable and select men, but if the owner be not known or found, then every such swine or beast of a great kind be duly cry'd, that the owner may take notice, claim his interest and pay the fine.

That no owner of cattle of what kind soever, after knowledge or notice given, that any cattle of his, whether horse or other beast, or swine, is unruly in respect of fences, shall suffer any such to go either in commons, or against corn fields, or other impropriated enclosed grounds fenced as aforesaid, but shall either constantly keep them upon his own ground, within sufficient fences, all his own, or put and keep upon each of them, such shackles and fetters, or yokes and rings, as may sufficiently from time to time, restrain and prevent trespasses, or shall pay all damages and charges, whether in corn or other fruits, with hurts in other fences, expence of time, and help in catching, pounding, driving out, and bringing home any such unruly cattle of what kind soever; with such further fine for breach of order and court charges (if the plaintiff be put to recover it that way) as the court shall think meet, arise thereupon.

For impounding of cattle for trespass, upon corn, or meadow ground, for each horse or mare, bull or cow, above two years old, to be paid per head to the pound keeper, one penny.

For all cattle under two years old, and for sheep or hogs per head, one half-penny.

Provided always, that said the cattle, sheep or hogs be taken in the trespass, then to pay as aforesaid and not otherwise.

Provided also, that it shall be left to particular places of townships, to allow what more they shall think fit to give for impounding of cattle, then is before expressed.

Moreover the owners of the said cattle, sheep or hogs, shall pay just costs for the nourishment of them so impounded, till he find bail to answer, or shall compound for the trespass before it comes to the court.

II. WHEREAS by experience we find that the country is damnified that the deputies have not attended the writs, wherewith they were summoned to appear at the place and time appointed. *It is therefore enacted* by this General Assembly, that whosoever shall not make his appearance at the place and time appointed, being legally chosen, shall pay as a fine ten shillings a man, for each day he is wanting, to the defraying the charges of the General Assembly, and that the said deputies shall hereby have power to press any vessel, horses or men, to be aiding for their passage, or transport, and whosoever shall obstinately disobey or refuse to be aiding or assisting herein, shall defray the fine that the deputies shall pay for their absence, which charge of transport is to be born by the town, from whence the said deputies are so transported.

III. Forasmuch as we find such an inconveniency in the county courts, or others by actions entered, and not prosecuted, whereby there is not sufficient raised for the defraying the charge that arise thereby.

Be it therefore enacted by this General Assembly, that if any person within this Province, shall enter an action or actions, to be tryed by any court within the aforesaid Province, and the jury summoned, and the said plaintiff withdraw his action or actions before pleaded to, the aforesaid plaintiff, shall bear half the charges of the court and jury; but if the action or actions, so far proceed, as that it is pleaded to, and yet withdrawn before judgment pass, the said

Actions entered and withdrawn.

plaintiff, shall bear the whole charge of the tryal of such suit or suits, and that there may be legally summoned to each court within the Province, it is ordered, that the said summons, be served eight days before the Province court, six days before the county court, three days before the town courts, and that each county court be held one time at one town, and the other time at the other town.

IV. Concerning weights and measures, it being the practice of our nation in all his Majesty's dominions, that have been any considerable time settled, to have all weights and measures, according to the standard of England, and those tryed and sealed yearly, that so acts of injustice and unrighteousness may be prevented.

Weights and measures. *It is therefore enacted* by this Assembly, that there be a standing measure or measures provided for the Province, from a bushel to a gallon for dry measure, together with ells, and yards, which measures may be according to Winchester measure, eight gallons to the bushel, and so for liquid measure, from a gallon to a quarter of a pint, all which measure shall be tryed and sealed yearly in every town in the Province, by such as shall be chosen and deputed by the freeholders in each town for that purpose; and the same order to be attended for regulating and ordaining of weights throughout the Province, and that the aforesaid men appointed for the proving and trying of the said weights and measures, may have due satisfaction from the owners, of the measures and weights.

V. *Be it enacted* by this Assembly, that there shall be in every town, a packer chosen by the freeholders, to see that all meat in barrels for sale be good and merchantable, and well packed and salted, and to contain thirty two gallons, and having put his mark upon the cask or barrel, the same to be accounted merchantable, which packer is to be upon oath, and to see that the cask be good and well seasoned timber, and the coopers mark thereon, and to have for his pains of packing and marking of every such barrel, eightpence.

Explaining a former act touching arresting freeholders.

VI. WHEREAS we find in the ninth act made by the last Assembly, something therein dubious touching the arrest-

ing of freeholder for debt, which possibly may raise a dispute, and therefore for the more clear and full explanation thereof.

Let it be enacted, and it is enacted by this General Assembly, that no freeholder, neither in person nor estate, shall be arrested for debt within this Province, except he or they are conveying away his or their estate, out of the Province, thereby to defraud his or their creditors.

VII. WHEREAS we find by the lists of the several towns concerning the subscription for the Governors arrears, that there are many which have not subscribed any thing, which is contrary to the last Assembly's intent and expectation.

Three men to
Assess the Gov-
ernors Arrears
not Subscribed.

Be it therefore enacted by the authority of this General Assembly, that there be three men chosen in every town in the Province, by the freeholders, at the publication hereof, to take the subscriptions of those that are yet behind, and if it be not considerable, the aforesaid select men, shall assess what they shall give in proportion to others of like condition and quality, and destraint to be made for the same, if payment be denied.

VIII. We finding by experience and complaints to and from the Province, that neats leather is not sufficiently tanned, whereby the country may and doth sustain damage.

Leather and
Tanner.

Be it enacted by this Assembly, that no tanner within this Province, shall be permitted to sell or make up any leather directly or indirectly, but what shall pass under a sealer's hand and approbation; which sealer is to be appointed or chosen by the freeholders in every town, where there is any tanner improving his trade, and the said sealer to be under oath: And for the encouragement of the said tanner in each town, he or they shall have free liberty to fall trees for bark upon the commons, in each town, and for every hide so sealed, the sealer to have for his pains and care four-pence, and if the said tanner shall be found selling or making up

such leather as will not pass through the sealers hands, and mark, shall forfeit the same to the use of the public.

IX. WHEREAS a near injunction is laid upon the deputies for their timely appearance at the General Assemblys, and the Nevysinks lying so remote and the difficulty of passages by water sometimes so much, and upon the request and desire of the aforesaid deputies of Middletown and Shrewsbury.

Be it enacted by this Assembly, that for the more sure and speedy passage of the aforesaid deputies for the future, that care be taken by the inhabitants of the town of Middletown, to make choice of two or more men out of the said town, them to join with two or more also chosen out of Piscataqua, to make out the nearest and most convenient way that may be found between the said towns, upon the country charge ; and this to be done between this and the tenth of May next, upon the penalty of what damages may ensue for the want thereof.

Iron Works
Rate free 7 years.

X. As touching Colonel Morris request, the Deputies are willing the lands and work belonging properly to the Iron Works, shall or may be rate free for seven years, excepting in extraordinary cases, as war or the like.

XI. *Be it enacted* by this present Assembly, that the Governor shall have for his salary for the year ensuing, two shillings per head for every male within this Province from 14 years old and upwards.

Secretary five
shillings for
each commis-
sion.

XII. Agreed by the deputies and voted, that Capt. Bollen shall have allowed him by each town five shillings a piece for each commission, both military and civil for the time past.

Compared with the original.

ISAAC WHITEHEAD, Clerk to Deputies.

Acts of the General Assembly at Wood-
bridge, 5th, 6th, 7th, and 8th. of Octo-
ber. 1676.

BE IT ENACTED by this present Assembly, Governor's salary.
that the salary for the Governor, that is assessed to him for this present year, shall be paid in good merchantable pease and wheat, or if any town will pay in tobacco not less than a hogshead, and if their salary amounts to more, the remainder to be paid as abovesaid, in wheat and pease ; every town to be at the charge of bringing in the said payment to the Governor at Elizabeth Town, without any trouble or charge to the Governor, at or before the first day of December next ensuing the date hereof. The prices of the aforesaid species to be as followeth, winter wheat at five shillings per bushel. Summer wheat at four shillings and six pence the bushel. Pease at three shillings and six pence per bushel. Good merchantable tobacco at three-pence per pound. The constable of each town to collect this pay ; the said constable appointing a day for the inhabitants of each town to bring it in to him ; and if any person or persons shall refuse or neglect the payment hereof, he or they shall pay double the value of his salary, and the constable shall have power to lay distraint for the same, having a warrant from a justice of peace of the town to which the said constable belongeth.

II. *It is further enacted*, that there shall be effectual care taken by the constables of every respective town, that there be a true account given in of the male's rateable, and if any shall be found fraudulent herein respecting the premises, shall pay double the value of his rate so concealed or withheld.

III. WHEREAS there was an act made by the General Assembly, April the sixth last past, for a standing measure, whereby measures might be tryed and sealed, and so for weights, and as yet none is provided for that purpose, and for the more speedily effecting of the same,

Standard for
weights and
measures, to be
provided by the
treasurer.

Be it enacted by this Assembly, that the treasurer do provide a standard, to remain in the Province, both for weights and measures, and them to be kept and preserved constantly for the use of the Province.

Justice of
peace no attor-
ney.

IV. WHEREAS it is apprehended by the deputies, the Province being in its minority, not convenient for any justice of the peace to be employed in the practice or exercise of an attorney or advocate,

Be it therefore enacted by this General Assembly, that no justice of the peace within this Province, shall serve as an attorney or advocate, or write any declaration or declarations, during the time of his or their being in the place or office of a justice of the peace, upon the penalty of paying ten pounds fine for every such default by any justice of the peace, excepting for the King, the Lord Proprietor, or in his or their own case, and such cases as are already commenced, and that there shall be no attorney's fees allowed by any court.

V. WHEREAS there was an act made April the 8th. 1676. touching the gage of meat cask for sale, that a barrel should contain thirty-two gallons, but finding by report of
Gage of meat
casks. coopers, that a barrel containing thirty-one or thirty-one and a half gallons, is merchantable.

Be it therefore enacted, that all barrels made for sale, shall contain thirty-one gallons, or between thirty-one and thirty-two gallons, and such shall pass for merchantable.

VI. *Be it enacted* by this Assembly, that the rate for this year, the manner of the payment of it, shall be by land, as it was given in the last year, the species as they were the last year; hogs fat excluded, and tobacco to be at three pence per pound.

VII. WHEREAS there hath been a neglect in some of the towns in this Province, to have their grand jury-men that are chosen, and yet not sworn, contrary to an act made for that purpose, whereby they are incapable to officiate in his or their respective places.

Be it therefore enacted that the constable in ^{Grand Jury to be Sworn.} every respective town within this Province, shall so soon as the inhabitants have made choice of their grand jury-men, present them to the justice of the peace, to be sworn according to the act made for that purpose, upon the penalty of paying thirty shillings fine, for the use of the town to which the aforesaid constable belongs.

VIII. WHEREAS there hath been some neglect in many of the inhabitants in the Province, not paying their rates seasonable, that so publick charges might be defrayed, and the country cleared from debt.

Be it therefore enacted by this Assembly, that ^{Country Rates how to be paid.} when any county rate is levied and to be paid ; the constable in every respective town within this Province, shall have power to require the inhabitants to bring in their rates at such time or times, and to such place or places within the said town, as said constable or constables shall appoint : and if any inhabitant shall be found negligent, after due notice given, the said constable or constables shall have power forthwith to lay distrainment upon every such person or persons estate, goods or chattles ; and every town shall be at the charge of transporting their own rate to the treasurer. And if the constable or constables of the said respective towns, shall neglect to do and perform according to the premisses, the marshal shall have power to seize upon the constables goods or chattels for the whole.

IX. *Be it enacted* by this Assembly, that if ^{Deputies will not be qualified.} any of the towns within this Province, shall send such deputies to the General Assembly of the Province, as will not be qualified according to the law of the Concessions, that the said deputies may be capable to act with the rest of the deputies, every such town shall pay for every such default, a fine of ten pounds for the use of the publick.

X. WHEREAS there hath been signal demonstration of God's mercy and favour towards us in this colony, in the preserving and continuing our peace in the midst of wars round about us, together with many

other mercies which we are sensible of, which call aloud for our acknowledgment and thanksgiving to the Lord,

Thanksgiving. *Wherefore be it enacted* by this Assembly, that there be a day of publick thanksgiving, set a part throughout the whole Province, to give God the glory and praise thereof, and oblige us to live to his praise, and in his fear always, which day shall be the second Wednesday in November next ensuing.

XI. WHEREAS this Province is yet in its minority and infancy, and that we may be as provident as we can for the ease and benefit of the same.

Assembly allowance. *Be it enacted* by this Assembly, that if at any time there be occasion to call an Assembly in this Province, that there shall be allowed by the country, during the time of their assembling together, setting and returning home, unto each member thereof, so much by the day to bear their charges, or expences, (viz.) unto the honored Governor, four shillings by the day, unto his Council, each of them three shillings by the day, and unto every deputy three shillings by the day.

XII. *It is further enacted* that what debts are not yet brought in, contracted the last year past, shall make their application to the deputies of the respective towns for their approbation of the same, and their certificate signed by the clerk of the Assembly unto the treasurer, shall be allowed.

Rate of 50 £. XIII. *Be it further enacted* by this General Assembly, that there shall be a rate of fifty pounds made to defray publick charges for this present year.

XIV. WHEREAS by the Concessions no laws made by the General Assembly, shall stand in force for above one year, except confirmed by the Lord Proprietor.

Be it enacted therefore by this present Assembly, that the laws already made the last year, shall continue in as full force as before, until the end of the next General Assembly.

XV. *Be it further enacted* that the laws now made for the Province this 7th of October 1676, shall be published in the several towns within a month after this present instant.

Compared with the original,

ISAAC WHITEHEAD, Clerk to Deputies.

Acts made by the General Assembly, began at Woodbridge the tenth day of October, 1677, and ended at Elizabeth Town the Nineteenth of the said Month.

Imprimus WE finding by constant experience for several years past, that the town of Shrewsbury hath been deficient, if not negligent and careless, in sending of their deputies, or sending such as will not conform to the order of the Concessions, respecting the Deputies, whereby the said Assembly is weakned and the publick work hindered; and whereas there is an act of Assembly made for preventing the same, and yet not redressed, it is therefore enacted by this present Assembly, that Richard Lippingcott being chosen by the town of Shrewsbury for this present year, to assemble with the rest of the deputies, and not appearing according to order, shall pay ten shillings for every day's absence during the time of the Assembly's sitting.

II. *It is enacted* by this General Assembly, that if any person above the age of fourteen years, shall wittingly or willingly make and publish any lye, tending to the damage or injury of any particular person,

or with an intent to deceive people with false reports, the same being complained of and legally proved before some court of record, the person so offending, shall for the first offence pay by way of fine ten shillings; and for the second offence, and every such default, shall pay twenty shillings; which fine shall be levied upon his or their estate, for the use of the publick: but if any person be not able to pay his or their fine as aforesaid, for the first offence, shall be put in the stocks, there to continue two hours; for the second offence to continue four hours; for the third offence to have corporal punishment.

III. WHEREAS divers complaints have been made to us the deputies now assembled, of some persons who suffer disorders in their houses on the Sabath day or Lord's day, by drunkenness or the like.

Be it enacted by this Assembly, that if any inhabitant or house-keeper within this Province, shall entertain, or suffer to be entertained, in his house on the Sabath, or first day of the week, any person or persons that shall behave themselves disorderly, as by drinking and the like, and if the said house-keeper shall not immediately repair to some legal authority in order to the suppressing of the same, he or they shall pay for the first offence ten shillings by way of fine; for the second offence twenty shillings, and so for every default after: and all constables are hereby required, if upon their own knowledge they shall be privy to any such disorders, by sight or informations thereof, to repair to the said place, and finding any person or persons misbehaving themselves, namely, staggering, reeling, drinking, cursing, swearing, quarreling, or singing any vain songs, or tunes of the same, shall cause the said person or persons so offending, to be set in the stocks for two whole hours, without relief; and all persons are hereby required to be aiding and assisting to the said constable herein, upon the penalty as the next Court of Sessions, upon due examination, the said court shall think fit; which fine of the aforesaid delinquents, shall be one third to the informer, the other two thirds to the use of the poor.

IV. *Be it enacted* by this Assembly,

that the act made November 1675, number 23, prohibiting the selling of arms and ammunition to the Indians, is repealed: Mr. Lyon, Mr. Bound, Mr. Johnson, Mr. Ross and Mr. Richards, dissenters.

V. WHEREAS complaint has been made to us the deputies, of great abuses by reason of selling of strong drink to the Indians by some within this Province, be it enacted by this Assembly, that if any person or house-keeper within this Province, shall draw strong drink for the Indians, and not take effectual care to prevent any disturbance that may happen by any such means to any of their neighbours, he or they so offending, the offence being proved before some justice of the peace, shall pay by way of fine, the sum of twenty shillings, for the use of the town where the offence was committed, to be levied by way of distraint, upon his or their estate by the constable of the town, with warrant from a justice.

VI. *It is enacted* by this Assembly, that the salary for the Governor for the ensuing year, shall be as it was the last year, viz. two shillings per head for every male from fourteen years old and upward, which payment shall be made in wheat, rye and Indian corn. Winter wheat at four shillings and six pence. Summer wheat at four shillings. Rye at three shillings and six pence, and Indian Corn at two shillings and six pence per bushel: which shall be good and merchantable, and to be paid at or before the first of March next ensuing the date hereof, without any trouble or charge to the Governor, at Elizabeth Town; and the constable of each respective town or division, to collect the same, and take care about the number of heads rateable, that so there may be no fraud respecting the same; and the aforesaid constables appointing a day to bring it to him or them, upon default thereof, distraint to be made by the aforesaid constable or constables; or if any town will pay tobacco by the hogshead, at three pence a pound, so that it be good and merchantable.

VII. WHEREAS there was an act made in October 1676, at Woodbridge, by the General Assembly, touching the country rates for the manner and time, ordered by the said Assembly, respecting the constable

and marshall, which not being duly attended and performed, the Assembly is incapable to settle and ballance accompts with the country treasurer,

Be it therefore enacted by this Assembly, that the constable and marshal, shall and are hereby impowered for the collecting the aforesaid country rates ; and when either party shall be faulty, the same process shall be made as the said act directs.

VIII. *Be it enacted* by this Assembly, that the laws formerly made in the years 1675 and 1676, shall and are renewed by us, to stand in force for the ensuing year.

Concerning Horses kind and Neat Cattle.

IX. *Be it enacted* by this Assembly, that none or either shall be questioned as strayers, under the age of two years old ; and if above the age of two years and not flesh mark'd or branded, but duly cry'd in each town of the Province, three times in some publick place, or on some public occasion, with an exact description of the said beast or horse kind, with their colour or natural marks, three months if taken up in the summer season, and five months if in the Winter season : If within such time no owner shall appear to prove his claim to the said beast or horse kind, they shall be accounted as strayers ; but if within the abovesaid prefix'd time, any person shall appear to challenge and prove his interest to the said beast or horse kind, they shall be returned to the owners, he paying all just charges that any person may have been at upon the said beast or horse kind, which charge is valued for Summer pasture one shilling and six pence by the week ; for Winter one shilling and eight pence : *Provided*, that the detainer or finder of the said horse or beast, shall put a with about the beast or horse's neck, and make no improvement of the aforementioned beast or horse ; but if the contrary appear, that if any use have been made by the aforesaid detainer or finder, and any casualty be falling the aforesaid horse or beast, the said detainer or finder shall make it good.

X. Forasmuch as their is great exorbitances and drunkenness observeable in several towns in this Pro-

vince, occasioned by tollerating many persons in selling drink in private houses, which is much to the dishonour of God, impoverishing the commonwealth, and wrong to several poor persons within the aforesaid town or towns, be it therefore enacted by this General Assembly, that no person or persons within this Province, shall be suffered to draw any manner of strong drink, as beer, cider, wine or liquors under the quantity of one gallon, directly or indirectly, upon the penalty of paying ten shillings fine for every small quantity so drawn and sold, the one-third part to the informer, the other two-third parts to the poor of the town, where the said drink is so drawn, excepting such person or persons as are made choice of to keep ordinary in each town; the fines above written are to be levied by distraint, by the constables of the respective towns, with a warrant from the justice.

XI. WHEREAS there hath been disorders by hogs being kept about the town, damnifying meadows by rooting them up, it is therefore enacted by this Assembly, that every respective town is to make their own orders concerning hogs.

XII. WHEREAS there is an act made October the 5th, 1676, prohibiting all justices of the peace within this Province, for appearing in any cases as attorney's or advocates, except for the King, the Lord Proprietor, or his or their cases, or in cases already commenced, be it enacted by this present General Assembly, that in cases of foreign negotiations, it is allowed for any justice of the peace within this Province to appear as an attorney or advocate.

XIII. *It is further enacted* that no ordinary keeper shall by the gill exceed ten shillings and eight pence the gallon strong liquors; if by the quart two shillings and six pence; good wine after the rate of seven shillings the gallon; cyder four pence the quart; eight pence a meal for victuals; six pence a day natural for pasture for horse in the summer, and the like for winter; and nine pence a peck for oats, the ordinary-keeper be left at liberty for such as will bespeak their own provision.

XIV. *Be it enacted* by this A'ssembly,

that there is a rate made of eighty pounds for the defraying of the country debts, which rate shall be paid at or before the first of March next ensuing the date hereof, in the species and prices propounded in the rate levied in October 1676, at Woodbridge, that is to say, in wheat, rye, Indian corn, beef, pork, tobacco; pease only excepted.

XV. Act for the paying of six pounds to the secretary is wanting.

A true copy compared with the original,

Isaac Whitehead, Clerk to the Deputies.

ANNO 1678.

Acts of the General Assembly, began at Elizabeth Town, Monday the 21st of October 1678, and ending on Tuesday the 29th of said month.

I. **F**ORASMUCH as there are many do settle and plant in the woods from the towns, and that without fencing their corn, or not sufficiently according to act of Assembly, whereby many creatures as hogs or horses are abused or damnified, for the preventing whereof,

Be it enacted by the authority abovesaid, that no person or persons within this Province, shall be suffered to plant or sow corn in the woods remote from towns, but shall make a sufficient fence about his or their corn, under the penalty of paying ten shillings fine, to the use of the publick, for every weeks

neglect the fencing the same, from the last day of April next ensuing the date hereof.

II. *Be it enacted* by the authority aforesaid, that no person or persons within this Province, shall be permitted to fall or cut down any timber upon land not patented, to transport the same out of the Province, under the penalty of paying five pounds fine for every tree so fallen and cut out, the one third part of the said fine to the informer, and the remainder to the use of the publick. This act to be in force from the publication hereof.

III. We the Deputies apprehending it of no necessity for all the constables in the Province, to make their personal appearance annually at the assizes, which would create an unnecessary charge,

Be it therefore enacted by the authority aforesaid, that two of the constables of the towns next adjacent, with the constable of the place where the assizes are kept, do duly attend upon the said court during the time of their sessions, for which they are to be allowed for their charge and pains three shillings a day to each of them, from the country.

IV. *Be it enacted* by the authority aforesaid, that the way of raising the country rates, shall be by way of land, as it was the last year.

V. *Be it enacted* by the authority aforesaid, that Mr. Samuel Moore, of Woodbridge, shall be treasurer for the country for the ensuing year.

VI. *Be it enacted* by the authority aforesaid, that no man within this Province, shall be deprived of the benefit of the common law, and a free process therein, as of right belongs to every free English subject, and therefore no stop of the course of justice and equity to be made under what pretence soever.

VII. *Be it enacted* by this General Assembly, that no person or persons within this Province shall transport, directly or indirectly, or make sale to any

out of the Province, any hides, green or dry, or any tann'd leather as aforesaid, under the penalty of forfeiting the same, one third part to the informer thereof, and the other two third parts, to the use of the publick. This act to be in force from the publication hereof.

VIII. *Be it enacted* by the authority aforesaid, that the Governor shall have for his salary for the year ensuing, as it was the last year, that is to say, two shillings per head for every male from fourteen years old and upward, which payment shall be made as the said act hath provided.

IX. *Be it enacted* by the authority abovesaid, that the laws formerly made and in being, shall be renewed again for the year ensuing.

X. *Be it enacted* by the said authority, that there shall be a rate made to defray country charges, of one hundred pounds twelve shillings and eight pence, which rate shall be gathered by the last of February next ensuing the date hereof, in the species before appointed, viz. pork at three pence per pound, or three pound per barrel. Beef two pence per pound, or at forty shillings per barrel. Winter wheat at four shillings and six pence per bushel. Summer wheat at four shillings. Rye at three shillings and six pence per bushel. Indian corn at two shillings and six pence. Barley at three shillings and six pence per bushel. Tobacco at three pence per pound : only the pay for the wolves shall be as it was formerly appointed ; and any other contract formerly made, the species not mentioned, the constable of each town to gather the same.

XI. *Be it enacted* by the said authority, that Capt. Bollen shall have three pounds allowed him out of the country rates, to transcribe the laws made by this Assembly, and a copy to each town ; and the clerk to have for the time past and the present, ten shillings for comparing them with the secretary.

Compared with the original,
James Bollen, Secretary.

Acts of the General Assembly Province of
New Jersey.
at Elizabeth Town, the third day of
April, 1679.

BE IT ENACTED by this Assembly, that there shall be one hundred and fifty pounds raised in a country rate, to lye in bank for the encouragement of any vessel to come into the Province to traffick and trade with money, so to remain to be disposed of according to instructions, bearing date with these presents, being left with a committee chosen and approved of by the Assembly respecting the premises, which said rate shall be paid as followeth, viz. pork, beef, tobacco, wheat or butter: pork and beef by the barrel; tobacco by the hogshead; wheat by the bushel, and butter by the firkin: and if occasion for the disbursement thereof, according to our instructions, then the said rate to be paid at or before the first of January next ensuing the date hereof.

Encouragement for traffick and trade of a vessel in the Province.

II. We the Deputies are sensible, that in reason we cannot expect that the Governor and Council are further engaged than what they have declared to this Assembly, under the hand of their Secretary, in order to the confirmation of the Concessions of this Province, bearing date February the 10th. 1664.

III. WHEREAS there is an act made for the sum of one hundred and fifty pounds, for the security and encouragement of a ship or vessel to come into this Province for trade, is to be disposed of as hereafter followeth.

That if any one vessel or ship shall come into the Province of New Jersey, by way of Sandy Hook, and shall do and perform such duties as is proper to be done and performed, in the said Province, viz. enter and clear in his Majesty's Custom House, which is at the Governor's house in Elizabeth Town, where is the King's Cus-

An act for raising 150l. for any damage a vessel shall sustain from the Government of New York, having duly entered at his Majesty's Custom House at Elizabeth Town.

tomers and Collector of New Jersey, any one vessel so going out as aforesaid by Sandy Hook, the said vessel should be by any of the Government of New York arrested, detained and condemned, and bona fide made prize of, for the only cause of trading in this Province, and not entering and clearing at New York, although entered and cleared as aforementioned, in this Province, that then this said one hundred and fifty pounds shall be improved for the reparation of any such vessel, according to the true valuation of the same. *Always provided*, that the said vessel be not given nor returned to the aforesaid owner after so made prize of, either in part or whole, that the said owner or owners shall be repaired out of the said one hundred and fifty pounds, according to the true valuation respecting the part or parts so returned.

JAMES BOLLEN, Secretary.

Acts made by the General Assembly at Middletown, the 8th of May 1679.

I. **B**E IT ENACTED by this General Assembly, that no person that is a foreigner, belonging to any other Province, shall by land or water come within the bounds of this government, and to be found trading any manner of commodities with the Indians, under penalty of forfeiting his vessel or goods, or the product thereof: and it shall and may be lawful for any person or persons upon discovery of any such trade, to seize the said vessel and goods, and bring the transgressor before two justices of the peace, whereof one to be of the quorum, to be examined, and the said justices finding just cause for the seizure, are to remit the said vessel and goods into the custody of the Province marshal, there to remain, with an inventory thereof taken, till a special court

can be appointed for tryal thereof, and upon condemnation, one third part to be delivered to the seizure, another third to the publick treasury, and the other third to the use of his Majesty.

II. *Be it enacted* by the authority aforesaid, that there shall be a committee chosen by this Assembly to treat with the Indians of Piscataqua, the 27th of this instant, to order, agree and determine of such things as may conduce to the peace and welfare of the Province with the said Indians, which committee shall be chosen by the aforesaid Assembly: the persons chosen for this treaty are as followeth,

Of the Council, viz.

THE GOVERNOR

CAPT. JOHN PIKE,

CAPT. WILLIAM STANDFORD,

MR. WILLIAM PARDON,

MR. JAMES BOLLEN.

Of the Deputies, viz.

CAPT. JOHN BROWN,

MR. JOHN OGDEN,

MR. RICHARD HARTSHORNE,

MR. SAMUEL DENNIS.

III. *Be it enacted*, by the authority aforesaid, that the committee chosen by this Assembly to treat with the Indians at Piscataqua the 27th of this instant, concerning the prohibiting the sale of strong drink to the Indians, have hereby power touching the said act to add or diminish as to them may appear expedient.

An Act to treat
with the Indians.

At New Piscataqua, 29th May 1679.

I. **B**E IT ENACTED by the committee appointed and impowered by the General Assembly, that no person or persons within this Province, shall either directly or indirectly, under what pretence soever, from and after the publication hereof, sell, give, lend, or any other way dispose to any Indian, any sort of strong drink, viz. rum, brandy, wine or cyder, strong beer, or any other toxicatious liquor, under the penalty of corporal punishment, to be inflicted upon any person or persons so offending, that is to say, to receive twenty lashes upon the bare back for the first offence; thirty for the second, and for the third imprisonment during the Governor's pleasure; and such other penalties as the court

An Act prohibiting
selling of strong drink
to the Indians.

of assizes shall think fit: And all magistrates, constables and inhabitants in each respective town or county within this Province, are hereby required to seize upon any Indian that shall happen to come either drunk or with liquor into any of the towns or plantations of this Province, and him convey to the next magistrate, who securing the said liquors and Indians, understanding a sufficient cause to suspect or apprehend such of this Province as have furnished the said Indian with the said liquors, to cause the said persons so offending, or by the Indian accused, to be apprehended, and he refusing to clear himself by a free and absolute purgation upon his oath or subscription, which shall be esteemed equivalent to an oath upon the Evangelists, shall be kept in custody till the next adjacent magistrate shall be convened, and they being conjoyned, to order the afflicting of the aforesaid punishment; the same to be well performed by the next constable, or some person by the said constable appointed.

Prohabiting
the commerce
of trade with
the Indians.

II. *And it is further enacted* by the committee aforesaid, that if any person or persons inhabiting in this Province, and settle in distant plantations, shall presume under the apprehension of a single advantage, privately to hold commerce with the Indians, contrary to this act, and be by the magistrates, constables or other inhabitants thereof suspected, the said person so suspected shall be summoned before the next magistrate, and refusing to purge himself of the suspicion by oath or subscription as aforesaid; the said magistrate convening another, to inflict the punishment as aforesaid: And all persons under the said penalty, are hereby obliged to discover such offender, or person suspected, and what charge shall arise or be occasioned by the principal offender or concealer, he or they shall bear the same.

JAMES BOLLEN, Secretary.

Acts made and concluded by the General Assembly, the first of November Anno Domini 1679.

I. **BE** *it enacted* by this Assembly, that An Act prohibiting the Transporting of any drest Skins. no Indian drest skins shall be transported out of the Province, either by inhabitants or foreigners (oyl leather excepted) upon the forfeiture of the said drest leather; one third part to the informer, and the remainder to the use of the publick. And if any shall be proved to have transported, directly or indirectly, after the publication hereof, shall pay by way of fine the full value thereof, for the same use as aforesaid.

II. *Be it enacted* that the act made respecting supplying the Indians with strong drink, by the committee appointed or chosen by the Assembly at Navesinks, shall still continue and stand in force for the ensuing year. An Act supplying the Indians with drink, remain in Force.

III. *Be it enacted* that there shall be four training days in the year, in each town within this Province, viz. two in the spring, and two in the autumn; two between the middle of March and the last of May; two between the middle of September and the last of November; at which times all males from sixteen years old to sixty, having sufficient warning from the captain of each company, shall make their appearance in compleat arms, at the time and place appointed for disciplining of the said company, excepting magistrates, ministers, deputies, and constables, in default whereof, late coming at the time appointed, every such person shall pay by way of fine six pence, and for half a day's absence, one shilling and three pence; and for total absence from the said training, shall pay two shillings and six pence; the same to be levied by way of distrant by warrant from the said captain, not exceeding two shillings and six pence, notwithstanding any act to the contrary; the fines to be for the use of the company. An Act for training the Militia.

And when the company is called in the field to train in the exercise of arms, or other military discipline, and any person shall refuse to train or obey the commander in the time of exercise, or any other transgression under command, shall be brought to the next county court, where being convict thereof, shall receive condign punishment according to the merit of the cause.

* An act for the satisfying of an Execution.

IV. *Be it enacted*, that if any person or persons within this Province, shall for the satisfying of an execution by any person lawfully obtained against him or them, set out his or their lands (entailed lands excepted) for satisfaction of the said execution as above expressed, shall give for himself, his heirs and assigns, a deed of sale of the said land, to him, his heirs and assigns, for whom the said execution was obtained, and all lands so obtained shall be and remain to him, his heirs and assigns forever. And it is also enacted, if any person for setting out his lands as aforesaid, refuse to give a bill of sale, shall be imprisoned till he doth satisfy the debt and charges, to sign a bill of sale.

An Act for the Laws formerly made be again renewed for the year.

V. *Be it enacted* that the laws formerly made and in being, shall be and are renewed again, for the year ensuing, excepting that for a hundred and fifty pounds for the encouragement of trade is repealed.

An Act for quit rents.

VI. *Be it enacted* that all persons within this Province of whom quit-rents is demanded by Sir George Carteret's agent or agents, bear from the year seventy, notwithstanding their patents bear a later date, shall enjoy all benefits, privileges, and immunities whatsoever, both in law and equity, as all or any of the rest of the inhabitants within this Province, whose patents may bear date from the year seventy.

An act for the Governors', Salary.

VII. *Be it enacted*, that the Governor shall have for his salary for the year ensuing, two shillings per head for every male within this Province, from fourteen years old and upwards, in the same species and at the same price as the country rates; tobacco to be excepted in both: which salary shall be paid into the Governor as the former act hath provided it.

VIII. *Be it enacted*, there shall be a day of thanksgiving throughout this Province, in consideration of the great deliverance of our nation from that horrid plot of the Papist, to murder our king and destroy all the Protestants ; and for the mercies of God to us in our Province, delivering us from that infectious disease of the small pox, and other diseases, and from the trouble of the Indians, and all other of his mercies which we have received in the year past ; which day shall be next Wednesday come three weeks, that will be the 26th of this instant November.

IX. *Be it enacted* by this Assembly, that there is a rate made of one hundred ninety six pounds eighteen shillings, for the defraying of the country debts, which rates shall be paid at or before the fourteenth of January next ensuing the date hereof, in the species and prices provided in the act made in the year 1678 ; tobacco to be excepted ; the wolves to run parrellel with the other debts and fines.

Compared with the original,

JAMES BOLLEN, Secretary.

Acts of the General Assembly, at Elizabeth Town, July the 23d. 1681.

Imprimus. **B**E *it enacted* by this General Assembly, that no person or persons within this Province, shall either directly or indirectly on what pretence soever, from and after the publication hereof, sell, give, lend or any other ways dispose to any Indians, any sort of strong drink, viz. rum, brandy, wine, cyder, strong beer, or any other intoxicating liquor, under the penalty of twenty pounds

for the first offence, and to be double for every offence after : and whosoever shall have knowledge, by sight or information, of the breach of this law, and shall not within six days make the same known to some justice of the peace, shall be lyable to the same penalty as him, that by the testimony of one sufficient witness upon oath with concurring circumstances, shall be convicted, and upon complaint being made to a justice of peace, he shall bind over by recognizance the party or parties to the next county court to answer the same, and the informer to prosecute any ; whosoever shall be at the pains to prosecute any person or persons for the breach of this law, as abovesaid, shall have allowed out of the penalty abovesaid, one third part ; the other two thirds to be improved for the defraying of such charges as shall upon the tryal of offenders against this law be occasioned, the overplus to be given to the use of the poor belonging to that county where the offence was committed : and if it happen, in the judgment of the court before whom the cause shall be brought, the offender or offenders be not able to pay his or their fine without apparent destruction to his or their family, that then the court shall cause the offender or offenders to be whipt, not exceeding twenty stripes, with a cord whip, such as shall be approved of by the court, and to be performed by the county marshal, who shall have allowed him for his pains five shillings, to be paid out of the offenders estate ; and the person that shall prosecute shall have allowed for his pains five pounds, to be paid out of the country's treasurer.

A true copy carefully examined and corrected,

JOHN SMYTH, Register to the Proprietors.



Duke's Release to the Twenty-four

PROPRIETORS.

Constitutions, Instructions, &c.

Between 1682 and 1702.





THIS INDENTURE made the fourteenth day of March, in the five and thirtieth year of the reign of our Sovereign Lord CHARLES the Second, by the Grace of God of England, Scotland, France and Ireland, King, Defender of the Faith, &c. *Anno Domini* 1682. Between his Royal Highness the most illustrious Prince JAMES, Duke of York and Albany, Earl of Ulster, &c. only brother to our Sovereign Lord the King, of the one part, and the Right Honourable James Earl of Perth, of the kingdom of Scotland; the Honourable John Drummond, of Lundy, in the said kingdom of Scotland, Esq; Robert Barekly, of Eury, in the said kingdom of Scotland, Esq; David Barekly, jun. of Eury, aforesaid, Esq; Robert Gordon, of Cluny, in the kingdom of Scotland, Esq; Arent Sonmans, of Wallingford, in the kingdom of Scotland, Esq; William Penn, of Worminghurst, in the county of Sussex, Esq; Robert West, of the Middle Temple, London, Esq; Thomas Rudyard, of London, gentleman; Samuel Groome, of the parish of Stepney, in the county of Middlesex, marriner; Thomas Hart, of Enfield, in the said county of Middlesex, merchant; Richard Mew, of Stepney, aforesaid, merchant; Ambrose Rigg of Catton Place, in the county of Surry, gentleman; Thomas Cooper, citizen and merchant taylor, of London; Gawn Lawry, of London, merchant; Edward Billinge, of the city of Westminster, in the county of Middlesex, gentleman; James Braine, of London, merchant; William Gibson, citizen and haberdasher, of London; John Haywood, citizen and skinner, of London; Hugh Hartshorn, citizen and skinner, of London; Clement Plumstead, citizen and draper, of London; Thomas Barker, of London, merchant; Robert Turner, of the city of Dublin, in the kingdom of Ireland, merchant; and Thomas Warne, of Dublin, aforesaid, in the said kingdom of Ireland, merchant, of the other part. WHEREAS our said Sovereign Lord the King's Majesty, in and by his Letters Patent, under the great seal of England, bearing date the twelfth day of March, in the sixteenth year of his said Majesty's reign, did amongst several other things therein men-

Duke of York's confirmation to the 24 Proprietors: 14th of March, 1682.

tioned, give and grant unto his Royal Highness JAMES Duke of York, his heirs and assigns, all that tract of land adjacent to New England, in the parts of America, and lying and being to the westward of Long Island and Manhattas Island, and bounded on the east part by the main sea ; and east by Hudson's river ; and hath on the west, Delaware bay or river ; and extendeth southward to the main ocean as far as Cape May, at the mouth of Delaware bay ; and to the northward as far as the northermost branch of the said bay or river of Delaware, which is in one and forty degrees and forty minutes of lattitude, and crossing over thence in a streight line to Hudson's river, in one and forty degrees of lattitude ; which said tract of land was then after to be called by the name of New Cæsarea or New Jersey, with all the lands, islands, soils, rivers, mines, minerals, quarries, woods, marshes, waters, lakes, fishings, hawkings, huntings, and fowlings, and all other royalties, profits, commodities and hereditaments, unto the said premisses belonging and appertaining, with their and every of their appurtenances : and all his said Majesty's estate, right, title, interest, benefit, advantage, claim and demand of, in and to the same premises, or any part or parcel thereof, and the reversion and reversions, remainder and remainders, together with the yearly and other rents, revenues and profits of the same, and of every part and parcel thereof, to hold unto his said Royal Highness the said JAMES, Duke of York, his heirs and assigns for ever ; to be holden of his said Majesty, his heirs and successors, amongst other the things therein granted, as of his Majesty's mannor of East Greenwich, in his Majesty's county of Kent, in free and common soccage, and not in capite or knight service, under the yearly rent therein mentioned. AND WHEREAS his said Royal Highness JAMES, Duke of York, did heretofore by several good and sufficient conveyances and assurances under his hand and seal duly executed, the twenty-third and twenty-fourth days of June, in the sixteenth year of his said Majesty's reign, for the consideration therein mentioned, grant and convey the said tract of land and premises before mentioned, to John Lord Berkeley, baron of Stratton, and one of his Majesty's most honorable Privy Council, and Sir George Carteret, of Salterem, in the county of Devon, knight and baronet, and one other

of his Majesty's most honourable Privil Council, and their heirs, the said tract of land and premises before particularly mentioned, and the reversion and reversions, remainder and remainders of the same, to hold unto the said John Lord Berkeley and Sir George Carteret, their heirs and assigns forever, under the yearly rent of twenty nobles sterling, payable as the same is therein reserved to be paid. AND WHEREAS his said Majesty did by other his Letters Patents, dated the twenty ninth day of June in the six and twentieth year of his said Majesty's reign, grant and convey unto his said Royal Highness, and his heirs forever, as well the said tract of land and premisses herein before recited to have been granted and conveyed by his said Royal Highness, unto the said John Lord Berkeley and Sir George Carteret as aforesaid, as all other the lands and hereditaments in and by the said herein first before recited Letters Pattents granted, or mentioned to be granted. AND WHEREAS his said Royal Highness by his indenture of lease and release, bearing date the _____ of July, in the six and twentieth year of his Majesty's reign, did grant and convey the said tract of land and premisses, to the said Sir George Carteret, his heirs and assigns, as by the said indenture, relation being thereunto had, may appear. And whereas upon a partition made of the whole and entire premisses, between the said Sir George Carteret and William Penn of Worminghurst, in the county of Sussex, Esq; Gawn Lawry, of London, merchant; Nicholas Lucas, of Hertford, in the county of Hertford, malster; and Edward Bullynge, of Westminster, in the county of Middlesex, gentleman; in whom the fee simple of the said Lord Berkeley's, undivided moyety, of all and singular the premises, by good and sufficient conveyances, was then vested the said William Penn, Gawn Lawry, Nicholas Lucas, and Edward Byllynge, did bargain, sell, release and confirm unto the said Sir George Carteret, his heirs and assigns, all that easterly part, share and portion, and all those easterly parts, shares and portions of the said whole and entire tract of land and premises before mentioned, extending eastward and northward along the sea coasts, and the said river called Hudson's river, from the east side of a certain place or harbour, lying on the southerly part of the same tract of land, and commonly called or known in a map of the said tract of land, by the

name of Little Egg Harbour, to that part of the said river called Hudson's river, which is in forty one degrees of latitude, being the northermost part of the said tract of land and premisses, which is bounded by the said river; and crossing over from thence in a straight line, extending from that part of Hudson's river aforesaid, to the northermost branch of the aforementioned river called Delaware river, and to the most northerly point or boundary of the said entire tract of land and premisses, now called the north partition point; and from thence, that is to say, from the north partition point, extending southward, unto the more southerly point, by a straight and direct line drawn through the said tract of land, from the said north partition point unto the said south partition point, by the consent and agreement of the said parties, now called the line of partition, and by them intended for the dividing and making a partition of the easterly part, share and portion, from the westerly part, share and portion of the said tract of land and premisses; and all and every the isles, islands, rivers, mines, minerals, woods, fishings, hawkings, huntings and fowlings, and all other royalties, governments, powers, forts, franchises, harbours, profits, commodities and hereditaments whatsoever, unto the said easterly part, share and portion of the said tract of land and premisses, belonging or in any wise appertaining, with their and every of their appurtenances; and all the estate, right, title, interest, claim and demand whatsoever of them the said William Penn, Gawn Lawry, Nicholas Lucas and Edward Byllynge, and of each and every of them, of, into and out of the said easterly part, share and portion of the said tract of land and premisses, and every part and parcel thereof, and the reversion and reversions, remainder and remainders of the same, and every part and parcel of the same: All which said easterly part, share and portion, parts, shares and portions, was and were then, and now is, and are by the consent and agreement of the said parties to the said partition, called and agreed from thence forth to be called by the name of East New Jersey; and is all that, and only all that part, share and portion, and all those parts, shares and portions of the said tract of land and premisses, so conveyed by his said Royal Highness as aforesaid, as lyeth extended eastward from the east side of the said line

of partition before mentioned, to hold to the said Sir George Carteret, his heirs and assigns, in severalty, to the use of him the said Sir George Carteret, his heirs and assigns forever ; upon which partition so made, and such conveyance so executed as aforesaid, he the said Sir George Carteret became seized of all that easterly part of the said premisses, now called East New Jersey, with the appurtenances in severalty. AND WHEREAS the said Sir George Carteret being, by virtue of the said assurances and partition aforesaid, become sole seized to him and his heirs, of the said premisses called East New Jersey, by his last will and testament in writing, bearing date on or about the fifth day of December, in the year of our Lord one thousand six hundred seventy and eight, did devise the same, and all his estate therein, amongst other things, to the right honourable Edward, Earl of Sandwich, the right honourable John Earl of Bath ; the right honourable Thomas, Lord Crew, Baron Crew, of Steane ; the honourable Bernard Greenville, Esq ; brother of the said Earl of Bath ; the honourable Sir Robert Atkins, knight of the Bath ; the honourable Sir Edward Atkins, knight, one of the barons of his Majesty's Court of Exchequer, and their heirs in trust, to sell the same for the payment of his debts and legacies, as in and by the said will, relation being thereunto had, may appear, and shortly after dyed. AND WHEREAS the said John, Earl of Bath ; Thomas, Lord Crew ; Bernard Greenville ; Sir Robert Atkins ; and Sir Edward Atkins, by indentures of lease and release, bearing date the fifth and sixth days of March, in the two and thirtieth year of his Majesty's reign, conveyed the said premisses, amongst other things, to Thomas Cremer, of the Parish of St. Andrews, Holbourne, in the county of Middlesex, gentleman, and Thomas Pocock of the same, gentleman, as by the said indentures, relation being thereunto had, it may appear. AND WHEREAS the said Earl of Sandwich, by his indenture bearing date the twentieth day of February last past, hath released all his estate, interest and trust in the said premisses, to the said Earl of Bath, Lord Crew, Bernard Greenville, Sir Robert Atkins, and Sir Edward Atkins, and their heirs, as by the said indenture, relation being thereunto had, may appear. AND WHEREAS the said Earl of Bath, Lord Crew, Bernard Greenville, Sir Robert Atkins, and Sir Edward Atkins, by the consent and direction of dame

Elizabeth Carteret, relick and executrix of the said Sir George Carteret; and the said Thomas Cremer and Thomas Pocock, by the consent and direction of the said dame Elizabeth Carteret, Earl of Bath, Lord Crew, Bernard Greenville, Sir Robert Atkins, and Sir Edward Atkins, have by indentures of lease and release, bearing date the first and second days of February last past, granted and conveyed to the said William Penn, Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Thomas Wilcox, of London goldsmith, Ambrose Rigg, John Haywood, Hugh Hartshorn, Clement Plumstead, and Thomas Cooper, their heirs and assigns, all the said premisses called East New Jersey, together with all isles, islands, rivers, mines, minerals, woods, fishings, hawkings, huntings, fowlings, and all other royalties, privileges, franchises, forts, harbours, profits, commodities, and hereditaments whatsoever, thereunto belonging, as in and by the said indentures, relation being thereunto had, may more at large appear. AND WHEREAS the said William Penn, Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Thomas Wilcox, Ambrose Rigg, John Haywood, Hugh Hartshorne, Clement Plumstead, and Thomas Cooper, have since conveyed one moyety of the said tract of land called East New Jersey, and of all other the premisses to the said James, Earl of Perth, John Drummond, Robert Barekly, Robert Gordon, Arent Sonmans, Gawn Lawry, Edward Byllyng, James Braine, William Gibson, Thomas Barker, Robert Turner, and Thomas Warne, who are thereby become tenants in common of the said premisses called East New Jersey, which with the said William Penn, Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Thomas Wilcox, Ambrose Rigg, John Haywood, Hugh Hartshorn, Clement Plumstead, and Thomas Cooper. AND WHEREAS the said Thomas Wilcox hath since conveyed all his share, estate, and interest in the said premisses, to the said David Barekly and his heirs: AND WHEREAS by the said several recited Letters Pattents, made by his said Majesty unto his said Royal Highness as aforesaid, several powers and authorities are and were given and granted unto his said Royal Highness, his heirs and assigns, to be executed by his said Royal Highness, his heirs or assigns, or by the deputies, agents or commissioners of his said Royal Highness, his heirs or assigns, which are necessary as

well for the planting, peopleing, and improving of all and every the respective lands, places and territories thereof granted ; and for the transporting thither from time to time such of his Majesty's subjects as should be willing to go or be transported into those parts, or any of them, as for the defending, guarding and keeping of the same ; as also for the well governing of the same, and of all such as shall be inhabiting in the same, and for the making, ordaining and executing of necessary and convenient laws and constitutions, in order to such government ; and the punishing and pardoning offences and offenders, as occasion shall require ; and to make, ordain, constitute, and confirm, and also to revoke, discharge, change and alter all and singular Governors, officers and magistrates, which by his said Royal Highness, his heirs and assigns, shall be from time to time thought fit and needful to be made, ordained, appointed or used in the said parts or places, or any of them ; and to do all other things needful, useful and necessary, for the well governing, keeping, defending and preserving the said respective places and territories, and of every of them, and all such as are and shall be inhabiting there. Now these presents witness, that for and in consideration of a competent sum of lawful English money, unto his said Royal Highness in hand paid, and for the better extinguishing all such claims and demands as his said Royal Highness, or his heirs, may any wise have of or in the premises aforesaid, now called East New Jersey, or any part of them, and for the further and better settling and conveying, assuring and confirming of the same, and of every part thereof, according to the purport and true meaning of these presents, his said Royal Highness the said JAMES Duke of York, hath granted, bargained, sold, released and confirmed, and by these presents, as far as in him lyeth, doth grant, bargain, sell, release and confirm unto the said James, Earl of Perth, John Drummond, Robert Barckly, David Barckly, Robert Gordon, Arent Sonmans, William Penn, Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Ambrose Rigg, John Haywood, Hugh Hartshorn, Clement Plumstead, Thomas Cooper, Gawn Lawry, Edward Byllynge, James Braine, William Gibson, Thomas Barker, Robert Turner and Thomas Warne, their heirs and assigns, all that part, share and portion, and all those parts, shares and portions, of all that entire tract of land, and all those entire premisses so granted by his

said Royal Highness, unto the said John Lord Berkely and Sir George Carteret, and their heirs, as in and by and upon the said partition was and were vested in the said Sir George Carteret and his heirs, and there agreed to be called by the name of East New Jersey, together with all islands, bays, rivers, waters, forts, mines, minerals, quarries, royalties, franchises, and appurtenances whatsoever to the same belonging, or in any wise appertaining; and all the estate, right, title, interest, reversion, remainder, claim and demand whatsoever, as well in law as in equity, of his said Royal Highness JAMES, Duke of York, of, in, unto or out of the same, or any part or parcel of the same: as also the free use of all bays, rivers and waters, leading unto or lying between the said premises, or any of them, in the said parts of East New Jersey, for navigation, free trade, fishing or otherwise, to have and to hold unto the said Earl of Perth, John Drummond, Robert Barckly, David Barckly, Robert Gordon, Arent Sonmans, William Penn, Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Ambrose Rigg, John Haywood, Hugh Hartshorn, Clement Plumstead, Thomas Cooper, Gawn Lawry, Edward Byllynge, James Braine, William Gibson, Thomas Barker, Robert Turner, and Thomas Warne, their heirs and assigns forever, to the only use and behoof of them the said Earl of Perth, John Drummond, Robert Barckly, David Barckly, Robert Gordon, Arent Sonmans, William Penn, Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Ambrose Rigg, John Haywood, Hugh Hartshorne, Clement Plumstead, Thomas Cooper, Gawn Lawry, Edward Byllynge, James Braine, William Gibson, Thomas Barker, Robert Turner and Thomas Warren, their heirs and assigns forever, yielding and paying therefor yearly for the said whole entire premisses, unto his Royal Highness, his heirs and assigns, the yearly rent of ten nobles of lawful English money, at or in the middle Temple Hall, London, at or upon the feast day of St Michael the Archangel, yearly. And the said James, Earl of Perth, John Drummond, Robert Barckly, David Barckley, Robert Gordon, Arent Sonmans, William Penn, Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Ambrose Rigg, John Haywood, Hugh Hartshorne, Clement Plumstead, Thomas Cooper, Gawn Lawry, Edward Byllynge, James Braine, William Gibson, Thomas Barker, Robert

Turner and Thomas Warne, do for themselves severally, and for their several and respective heirs, executors, administrators and assigns, covenant, promise and agree to and with his said Royal Highness, his heirs and assigns, to pay, or cause to be paid, the said annual rent of ten nobles, on the days and times herein before limited for payment thereof. And these presents further witness, that for the better enabling the said Earl of Perth, John Drummond, Robert Barclay, David Barclay, Robert Gordon, Arent Sonmans, William Penn, Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Ambrose Rigg, John Haywood, Hugh Hartshorn, Clement Plumstead, Thomas Cooper, Gawn Lawry, Edward Byllyng, James Braine, William Gibson, Thomas Barker, Robert Turner and Thomas Warne, their heirs and assigns, to improve and plant the said premisses with people, and to exercise all necessary government there, whereby the said premisses may be the better improved, and made more useful to them, their heirs and assigns, and to the King's Majesty, his said Royal Highness hath likewise given and granted assigned and transferred, and doth by these presents give, grant, assign and transfer unto the said Earl of Perth, John Drummond, Robert Barclay, David Barclay, Robert Gordon, Arent Sonmans, William Penn, Robert West, Thomas Rudyard, Samuel Groome, Thomas Hart, Richard Mew, Ambrose Rigg, John Haywood, Hugh Hartshorne, Clement Plumstead, Thomas Cooper, Gawn Lawry, Edward Billinge, James Braine, William Gibson, Thomas Barker, Robert Turner, and Thomas Warne, their heirs and assigns, proprietors of the said Province of East New Jersey aforesaid, for the time being, all and every such and the same powers, authorities, jurisdictions, governments, and other matters and things whatsoever, which by the said respective recited Letters Patents, or either of them, are or were granted, or intended to be granted, to be exercised by his said Royal Highness, his heirs, assigns, deputies, officers, or agents, in or upon, or in relation unto the said premisses, hereby confirmed, or intended to be hereby confirmed, and every of them, in case the same were now in the actual seisen of his Royal Highness, to be held, enjoyed, exercised and executed by them the said Earl of Perth, John Drummond, Robert Barclay, David Barclay, Robert Gordon, Arent Sonmans, William Penn, Robert West, Thomas Rudyard, Samuel Groome

Thomas Hart, Richard Mew, Ambrose Rigg, John Haywood, Hugh Hartshorn, Clement Plumstead, Thomas Cooper, Gawn Lawry, Edward Byllynge, James Braine, William Gibson, Thomas Barker, Robert Turner and Thomas Warne, their heirs and assigns, Proprietors of the said Province of East New Jersey, for the time being, as fully and amply to all intents, constructions, and purposes, as his said Royal Highness, or his heirs, might, could or ought to hold, enjoy, use, exercise or execute the same by force and virtue of the said several and respective before recited Letters Patents, or either of them, or any thing in them, or either or any of them, contained or otherwise howsoever. *Provided always*, that these presents be entered with the Auditor General of his said Royal Highness within two months next after the date hereof. In witness whereof the parties above mentioned to these present indentures, interchangeably have set their hands and seals, the day and year first above written.

JAMES.

Sealed and delivered by his Royal Highness, in the presence of Ro. Werden, William Crofts, John Ashton.

Charles, R.

WHEREAS his Majesty for divers good causes and considerations him thereunto moving, by Letters Patents bearing date the twenty ninth day of June, Anno Domini 1674, in the twenty sixth year of his Majesty's reign, was pleased to give and grant unto his dearest brother JAMES, Duke of York, several territories, islands, and tracts of land in America, part of which were since called by the name of Nova Caesarea or New Jersey, and was vested in John Lord Berkeley, of Stratton, and Sir George Carteret, Knight and Barronet, who were both of his Majesty's most honourable Privy Council, and in their heirs and assigns: And the east part or portion of the said Province of New Jersey, by a certain deed of partition afterwards made, became the share of the said Sir George Carteret, his heirs and assigns, and was agreed to be called East New Jersey, and was since assigned to the present Proprietors. AND WHEREAS his Royal Highness JAMES, Duke of York, by his indenture bearing date the fourteenth day of March, Anno Dom. 1682, in the thirty-fifth year of his Majesty's reign (for the consideration therein mentioned) did grant and confirm the said Province of East New Jersey, (extending eastward and northward all along the sea coast and Hudson's river, from Little Egg Harbour, to that part of Hudson's river which is in forty one degrees of northren latitude, and otherways bounded and limited as in said grant and confirmation, relation being thereunto had, may more particularly and at large appear) unto James, Earl of Perth, John Drummond, of Lundie; as also unto Robert Barekly, of Eury, Esq; Robert Gordon, of Clunie, Esq; and others his Majesty's loving subjects in England, Scotland, and else where, to the number of twenty-four grantees, and to their heirs and assigns forever; together with all powers and jurisdiction necessary for the good government of the said Province. His Majesty therefore doth hereby declare his royal will and pleasure, and doth strictly charge and command the planters and inhabitants, and all other persons concerned in the said Province of East New Jersey, that they do submit and yield all due obedience to the laws and government of the said grantees, their heirs and assigns, as absolute Proprietors and Governors thereof, (who have

The King's
Letter recog-
nizing the Pro-
prietors right to
the soil and gov-
ernment.

the sole power and right derived under his Royal Highness from his said Majesty, to settle and dispose of the said Province upon such terms and conditions as to them shall seem good) as also to their deputy or deputies, agents, lieutenants, and officers, lawfully commissioned by them according to the powers and authorities granted to them. And of this his Majesty's royal will and pleasure, the Governor and Council is required to give publick notice, his Majesty expecting and requiring forthwith a due compliance with this his royal will and pleasure, from all persons as well without the Province as within the same, (who these presents do or may concern) as they will answer the contrary thereof at their peril. Given at the Court at Whitehall, the twenty-third day of November, 1683, in the thirty-fifth year of his Majesty's reign.

By his Majesty's command,
SUNDERLAND.

To the Governor and Council of East New Jersey, for the time being, and to the planters, inhabitants, and all others concerned in the said Province.

NOTE. Tho' this letter is dated after some of the following instruments, it was thought best to place it here, that the title might appear together.

The Fundamental Constitutions for the Province of East New Jersey in America, Anno Domini 1683.

SINCE the right of government, as well as soil, is in the four and twenty Proprietors, and that the same is confirmed to them a new For Government agreed upon by 16 of 24 Proprietors. by a late patent from JAMES Duke of York, pursuant of patent granted to him from the King; the Proprietors for the well ordering and governing of the said Province, according to the powers conveyed to them, do grant and declare, that the government thereof shall be as followeth, viz.

I. That altho' the four and twenty Proprietors have formerly made choice of Robert Barclay, Esq; for Governor, during his natural life, and to serve by a deputy to be approved of by sixteen of the Proprietors, until he himself shall be upon the place, which is by these presents ratified and confirmed, to all intents and purposes: Yet after the decease of the said Robert Barclay, or by reason of his malversation, the Proprietors shall find cause to divest him of the government, the four and twenty Proprietors shall choose a Governor; in order to which it shall be in the power of each of them to name one, and sixteen of the four and twenty shall determine it: which Governor shall be obliged to serve and reside upon the place, and shall only continue for three years; and if any shall directly or indirectly propound or advise the continuance for any longer time, or of new to choose him again, or his son, within the three years, it shall be esteemed a betraying of the publick liberty of the Province; and the actors shall be esteemed as publick enemies; and the said Governor that shall be so continued, shall be reputed guilty of the same, not only by reason of his acceptance of that continuation, but also by reason of any kind of solicitation which he may directly or indirectly have endeavoured. If the Governor so do die before the three years be expired, the Proprietors shall choose one to supply his place, for the time the other should held it, and no longer. *Provided*, that this limitation of three

years abovementioned, do not extend to the Deputy Governor or of Robert Barclay, for seven years after that passing of those constitutions, who may be for a longer time than three years, if the Proprietors see meet.

II. That for the government of the Province, there shall be a great Council, to consist of the four and twenty proprietors, or their proxies in their absence, and one hundred forty-four to be chosen by the freemen of the Province. But forasmuch as there are not at present so many towns built as there may be hereafter, nor the Province divided into such counties as it may be hereafter divided into, and that consequently no certain division can be made how many shall be chosen for each town and county ; at present four and twenty shall be chosen for the eight towns that are at present in being, and eight and forty for the county, making together seventy-two, and with the four and twenty Proprietors, ninety-six persons, till such times as the great council shall see meet to call the above mentioned number of one hundred forty-four, and then shall be determined by the great council, how many shall come out of each town and county ; but every year they shall choose one-third, and the first chosen shall remain for three years, and they that go out shall not be capable to come in again for two years after, and therefore they shall not be put in the ballot in elections for that year : and in order to this election, they shall in course meet in their several boroughs and counties the six and twentieth day of March, beginning in the year one thousand six hundred eighty-four, and choose their several representatives ; whose first day of meeting shall be the twentieth of April afterwards ; and they shall sit upon their own adjournments, if they see meet, till the twentieth of July following, and then to be dissolved till the next year, unless the Governor and common council think fit to continue them longer, or call them in the interval ; but if any of those days fall on the first day of the week, it shall be deferred until the next day.

III. The persons qualified to be freemen, that are capable to choose and be chosen in the great Council, shall be every planter and inhabitant dwelling and residing within the Province, who hath acquired rights

to and is in possession of fifty acres of ground, and hath cultivated ten acres of it ; or in boroughs, who have a house and three acres ; or have a house and land only hired, if he can prove he have fifty pounds in stock of his own : and all elections must be free and voluntary, but were any bribe or indirect means can be proved to have been used, both the giver and acquirer shall forfeit their priviledge of electing and being elected forever : and for the full preventing of all indirect means, the election shall be after this manner, the names of all the persons qualified in each county, shall be put in equal pieces of parchment, and prepared by the sheriff and his clerk the day before, and at the day of election shall be put in a box, and fifty shall be taken out by a boy under ten years of age ; these fifty shall be put into the box again, and the first five and twenty then taken out shall be those who shall be capable to be chosen for that time ; the other five and twenty shall by plurality of votes, name (of the aforesaid twenty five) twelve, if there be three to be chosen, and eight if there be two to stand for it ; these nominators first solemnly declaring before the sheriff, that they shall not name any known to them to be guilty for the time, or to have been guilty for a year before, of adultery, whoredom, drunkenness, or any such immorality, or who is insolvent or a fool ; and then out of the twelve or eight so nominated, three or two shall be taken by the ballot as abovesaid.

IV. It shall be the priviledge of every member of the great Council, to propose any bill in order to a law, which being admitted to be debated, shall be determined by the vote, wherein two parts of three shall only conclude ; but of this, twelve of the Proprietors, or their proxies, must be assenting ; which shall also be requisite after the number of freemen are double : Nor shall any law be made or enacted to have force in the Province, which any ways touches upon the goods or liberties of any in it, but what thus passeth in the great Council ; and whoever shall levy, collect or pay any money or goods without a law thus passed, shall be held a publick enemy to the Province, and a betrayer of the publick liberty thereof : also the quorum of this great Council shall be half of the Proprietors, or their proxies, and half of the freemen at least ; and in

determination, the proportionable assent of both Proprietors and freemen must agree, viz. two parts of whatever number of freemen, and one half of whatever number of Proprietors are present.

V. For the constant government of the Province there shall be with the Governor a common Council, consisting of the four and twenty Proprietors, of their proxies, and twelve of the freemen, which shall be chosen by the ballot out of the freemen of the great Council, and shall successively go off each year as they do ; which common Council will thus consist of six and thirty, whereof they shall be three committees ; twelve for the publick policy, and to look to manners, education and arts ; twelve for trade and management of the publick Treasury ; and twelve for plantations and regulating of all things, as well as deciding all controversies relating to them : in each committee eight shall be of the Proprietors, or their proxies, and four of the freemen ; each of these committees shall meet at least once a week, and all the thirty six once in two months, and oftner, in such places and at such times as they shall find most convenient. And if it happen the number of freemen in the great Council to be doubled, there shall also be twelve more of them be added to the common Council : in this common Council and those several committees the one half shall be a quorum, as in the former article.

VI. All laws shall be published and run in the name of the Governor, Proprietors and representatives of the freemen of the Province, and shall be signed by two of the Proprietors, two of the freemen, the Secretary and the Governor, or deputy Governor for the time being, who shall preside in all meetings, and have two votes, but shall no ways pretend to any negative vote : but if he or they refuse to do his or their duty, or be accused of malversation, he shall be liable to the censure of the Proprietors, and if turned out, there shall be another chosen to fulfil his time as is abovesaid.

VII. Forasmuch as by the Concessions and agreements of the former Proprietors, (to wit) the Lord Berkeley and Sir George Carteret, to and with all and every

the adventurers and all such as shall settle and plant in the Province in *Anno* 1664, it is consented and agreed by the six and seven articles, that the great Assembly should have power, by act confirmed as there expressed, to erect, raise and build within the said Province, or any part thereof, such and so many forts, castles, cities and other places of defence, and the same, or any of them, to fortify and furnish with such provisions and proportions of ordinance, powder, shot, armour and all other weapons, ammunition and abilments of war, both offensive and defensive, as shall be thought necessary and convenient for the safety and wellfare of the said Province ; as also to constitute train bands and companies, with the number of the soldiers, for the safety, strength and defence of the aforesaid Province ; to suppress all mutinies and rebellions ; to make war offensive and defensive, against all and every one that shall infest the said Province, not only to keep the enemy out of their limits, but also, in case of necessity, the enemy by sea and land to pursue out of the limits and jurisdiction of the said Province. And that amongst the present Proprietors there are several that declare, that they have no freedom to defend themselves with arms, and others who judge it their duty to defend themselves, wives and children, with arms ; it is therefore agreed and consented to, and they the said Proprietors do by these presents agree and consent, that they will not in this case force each other against their respective judgments and consciences ; in order whereunto it is *Resolved*, that on the one side, no man that declares he cannot for conscience sake bear arms, whether Proprietor or planter, shall be at any time put upon so doing in his own person, nor yet upon sending any to serve in his stead. And on the other side, those who do judge it their duty to bear arms for the publick defence, shall have their liberty to do in a legal way. In pursuance whereof, there shall be a fourth committee erected, consisting of six proprietors, or their proxies, and three of the freemen, that are to set in the other three committees, which shall be such as do understand it their duty to use arms for the publick defence ; which committee shall provide for the publick defence without and peace within, against all enemies whatsoever ; and shall therefore be stiled the committee for the preservation of the publick peace : And that all things

may proceed in good order, the said committee shall propound to the great Council what they judge convenient and necessary for the keeping the peace within the said Province, and for publick defence without, by the said great Council to be approved and corrected, as they, according to exigence of affairs, shall judge fit ; the execution of which resolutions of the great Council shall be committed to the care of the said committee. But because through the scruples of such of the Proprietors, or their proxies, as have no freedom to use arms, the resolutions of the great Council may be in this point obstructed, it is resolved and agreed, and it is by these presents resolved and agreed, that in things of this nature, the votes of these Proprietors shall only be of weight at such time or times as one of these two points are under deliberation, which shall not be concluded where twelve of the Proprietors and two thirds of the whole Council, as in other cases, are not consenting, (that is to say) first, whether, to speak after the manner of men, (and abstractly from a man's perswasion in matters of religion) it be convenient and suitable to the present condition or capacity of the inhabitants, to build any forts, castles or any other places of defence ? If yea ; where and in what places (to speak as men) they ought to be erected. Secondly, whether there be any present or future foreseen danger, that may, (to speak as men without respect to ones particular perswasion in matters of religion) require the putting the Province into a posture of defence, or to make use of those means which we at present have, or which, from time to time as occasion may require, according to the capacity of the inhabitants, we may have ; which ability and conveniency of those means of defence, and (to speak as men without respect to any man's judgment in matters of religion) the necessity of the actual use thereof, being once resolved upon ; all further deliberations about it, as the raising of men, giving of commissions both by sea and land, making Governors of forts, and providing money necessary for maintaining the same, shall belong only to those members of the great Council who judge themselves in duty bound to make use of arms for the defence of them and theirs. PROVIDED, that they shall not conclude any thing but by the consent of at least five parts out of six of their number ; and that

none of the Proprietors and other inhabitants may be forced to contribute any money for the use of arms, to which for conscience sake they have not freedom, that which is necessary for the publick defence, shall be borne by such as judge themselves in duty bound to use arms. *Provided*, that the other, that for conscience sake do oppose the bearing of arms, shall on the other hand bear so much in other charges, as may make up that proportion in the general charge of the Province. And as the refusing to subscribe such acts concerning the use and exercise of arms abovesaid, in the Governor and Secretary, if scrupulous in conscience so to do, shall not be esteemed in them an omission or neglect of duty, so the wanting thereof shall not make such acts invalid, they being in lieu thereof, subscribed by the major part of the six Proprietors of the committee for the preservation of the publick peace.

VIII. The choosing the great and publick officers, as Secretary, Register, Treasurer, Surveyor General, Marshal, and after death of turning out of those now first to be nominated, shall be in the Governor and Common Council ; as also of all sheriffs, judges, and justices of the peace. But upon any malversation or accusation, they shall be liable to the examination and censure of the great Council, and if condemn'd by them, the Governor and Common Council must name others in their places.

IX. *Provided*, That all boroughs shall choose their own magistrates, and the hundreds in the county, their constables or under officers, in such manner as shall be agreed to by the great Council.

X. Forasmuch as by the Patent, the power of pardoning in capital offences, is vested in the four and twenty Proprietors ; it is hereby declared, that the said power of pardoning shall never be made use of but by the consent of eighteen of the Proprietors, or their proxies : Nevertheless, it shall be in the power of the Governor, in conjunction with four Proprietors, who for the time are judges of the Court of Appeals, to reprieve any person after the day of execution appointed, for some time, not exceeding a month.

XI. The four and twenty Proprietors, in their absence, may vote in the great and common Council by their proxies; one Proprietor may be proxy for another, yet so as not but for one, so that none can have above two votes : The proxies of the Proprietors must be such as has shares in properties not under a twentieth part.

XII. That whoever has any place of publick trust in another Province, tho' a Proprietor, shall not sit in the great or common Council, but by their proxies, unless thereunto particularly called by the one or other Council.

XIII. Whatever Proprietor doth not retain at least one fourth part of his propriety, viz. one ninety sixth part of the country, shall loose the right of government, and it shall pass to him who has the greatest share of that propriety, exceeding the above mentioned proportion : But if two or three has each one ninety sixth part, they shall have it successively year about, like as when a propriety is in two hands, he who is upon the place, if the other be absent, sick or under age, shall still have it ; but if both there, then by turns as above-said ; and if in a provided propriety all be absent, the proxies must be constituted by both ; if but two or the greater number if there be more. And if any who sells a part of his propriety, and retains one ninety sixth part and the title of the government portion be absent, whoever has shares for him, not under one ninety sixth part, being present, shall set for him, whether having a proxy or not ; and if there be more than one, it shall go by turns as above. But because after sometime by division among children, it may happen that some one twenty fourth part may be so divided, that not any one may have one fourth part of a propriety, or one ninety sixth part of the whole, in that case the Proprietors shall elect one having not under one ninety sixth part, to bear the character of the government for that propriety : But if the county shall fall to be so divided, that there shall not be found four and twenty persons who have one ninety sixth part each ; then whoever has five thousand acres, shall be capable to be chosen to be one of the four and twenty, and that by the rest of the Proprietors, by the ballot, each

having priviledge to lift one ; but this not to take place till forty years after the settling of these constitutions : And if twenty years after the expiration of the forty years above mentioned, it shall fall out that four and twenty persons cannot be found who have each five thousand acres, it shall be then in the power of the great Council to make a less number of acres sufficient to carry the character of the government, provided they bring it not under three thousand acres (the Proprietors being always electors as abovesaid) no Proprietor under one and twenty years shall be admitted to vote, but during nonage there shall be a proxy appointed by the tutor, and failing that, by the other Proprietors.

XIV. In all civil and ordinary actions, the Proprietors shall be judged after the same manner, and lyable to the same censure with any other ; but in all cases that are capital, or may inferr for forfeiture of their trust or Proprietorship, they shall be adjudged by a jury of twelve of the Proprietors, or their proxies, or such as has share in a propriety not under one twentieth part ; the bill being first found relivant against them by a grand jury of twelve Proprietors and twelve free men to be chosen by the ballot, as in article nineteen.

XV. For preserving a right balance, no Proprietor shall at any time require or purchase more than his one four and twentieth part of the county ; but if by any accident, more fall into the hands of any of the Proprietors, he may be allowed to dispose of it to his children, tho' under age, yet not so as to acquire to himself more than one vote besides his own ; but if such an acquirer have no children he shall be obliged to sell it within one year after he has acquired it, nor shall he evade this by putting in another's name in trust for him ; but shall upon his assignment solemnly declare himself to be realy and effectually divested of it for the proper use of him it is assign'd to : And if within three years he find not a merchant, he shall be obliged to dispose of it at the current rate to the rest of the Proprietors, to be holden in common by them, who shall appoint one to bear that character in the government, untill such a share of it fall in one hand, by a former article may render him capable, by the consent of two parts of the other Proprie-

tors, to have the power devolved in him ; and if by this or any other accident one or more votes be wanting in the interem, the Proprietors shall name others qualified as above to supply their places.

XVI. All persons living in the Province who confess and acknowledge the one Almighty and Eternal God, and holds themselves obliged in conscience to live peaceably and quietly in a civil society, shall in no way be molested or prejudged for their religious perswasions and exercise in matters of faith and worship ; nor shall they be compelled to frequent and maintain any religious worship, place or ministry whatsoever : Yet it is also hereby provided, that no man shall be admitted a member of the great or common Council, or any other place of publick trust, who shall not profess faith in Christ Jesus, and solemnly declare that he doth no ways hold himself obliged in conscience to endeavour alteration in the government, or seeks the turning out of any in it or their ruin or prejudice, either in person or estate, because they are in his opinion hereticks, or differ in their judgment from him : Nor by this article is it intended, that any under the notion of this liberty shall allow themselves to avow atheism, irreligiousness, or to practice cursing, swearing, drunkenness, prophaness, whoring, adultery, murdering or any kind of violence, or indulging themselves in stage plays, masks, revells or such like abuses ; for restraining such and preserving of the people in deligence and in good order, the great Council is to make more particular laws, which are punctually to be put in execution.

XVII. To the end that all officers chosen to serve within the Province, may with the more care and deligence answer the trust reposed in them ; it is agreed, that no such person shall enjoy more than one public office at one time : But least at first before the country be well planted, there might be in this some inconveniency, it is declared, that this shall not necessarily take place till after the year 1685.

XVIII. All chart, rights, grants and conveyances of land (except leases for three years and under) and all bonds, wills, and letters of administration and specialties above fifty pounds, and not under six months, shall

be registred in a publick register in each county, else be void in law : also there is to be a register in each county for births, marriages, burials and servants, where their names, times, wages and days of payment shall be registred ; but the method and order of settling those registers is recommended to the great Council ; as also the fees which are to be moderate and certain, that the taking of more in any office, directly or indirectly by himself or any other, shall forfeit his office.

XIX. That no person or persons within the said Province shall be taken and imprisoned, or be devised of his freehold, free custom or liberty, or be outlawed or exiled, or any other way destroyed ; nor shall they be condemn'd or judgment pass'd upon them, but by lawful judgment of their peers : neither shall justice nor right be bought or sold, deferred or delayed, to any person whatsoever : in order to which by the laws of the land, all tryals shall be by twelve men, and as near as it may be, peers and equals, and of the neighbourhood, and men without just exception. In cases of life there shall be at first twenty-four returned by the sheriff for a grand inquest, of whom twelve at least shall be to find the complaint to be true ; and then the twelve men or peers to be likewise returned, shall have the final judgment ; but reasonable challanges shall be always admitted against the twelve men, or any of them : but the manner of returning juries shall be thus, the names of all the freemen above five and twenty years of age, within the district or boroughs out of which the jury is to be returned, shall be written on equal pieces of parchment and put into a box, and then the number of the jury shall be drawn out by a child under ten years of age. And in all courts persons of all perswasions may freely appear in their own way, and according to their own manner, and there personally plead their own causes themselves, or if unable, by their friends, no person being allowed to take money for pleading or advice in such casases : and the first process shall be the exhibition of the complaint in court fourteen days before the tryal, and the party complain'd against may be fitted for the same, he or she shall be summoned ten days before, and a copy of the complaint delivered at their dwelling house : But before the complaint of any person be received,

he shall solemnly declare in court, that he believes in his conscience his cause is just. Moreover, every man shall be first cited before the court for the place where he dwells, nor shall the cause be brought before any other court but by way of appeal from sentence of the first court, for receiving of which appeals, there shall be a court consisting of eight persons, and the Governor (protempore) president thereof, (to wit) four Proprietors and four freemen, to be chosen out of the great Council in the following manner, viz. the names of sixteen of the Proprietors shall be written on small pieces of parchment and put into a box, out of which by a lad under ten years of age, shall be drawn eight of them, the eight remaining in the box shall choose four ; and in like manner shall be done for the choosing of four of the freemen.

XX. That all marriages not forbidden in the law of God, shall be esteemed lawful, where the parents or guardians being first acquainted, the marriage is publickly intimated in such places and manner as is agreeable to mens different perswasions in religion, being afterwards still solemnized before creditable witnesses, by taking one another as husband and wife, and a certificate of the whole, under the parties and witnesses hands, being brought to the proper register for that end, under a penalty if neglected.

XXI. That all witnesses coming or called to testify their knowledge in or to any matter or thing in any court or before any lawful authority within the Province, shall there give and deliver in their evidence by solemnly promissing to speak the truth, the whole truth and nothing but the truth, to the matter in question. And in case any person so doing shall be afterwards convict of willful falsehood, both such persons as also those who have proved to have suborn, shall undergo the damage and punishment both in criminal and in civil ; the person against whom they did or should have incurred, which if it reach not his life, he shall be publickly exposed as a false witness, never afterwards to be credited before any court ; the like punishment in cases of forgery, and both criminals to be stigmatized.

XXII. Fourteen years quiet possession shall give an unquestionable right, except in cases of infants, lunaticks or married women, or persons beyond sea or in prison. And whoever forfeits his estate to the government by committing treason against the Crown of England, or in this Province, or by any other capital crime, the nearest of kin may redeem it within two months after the criminals death, by paying to the public treasury not above one hundred pounds, and not under five pounds sterling, which proportion the common Council shall determine, according to the value of the criminals estate, and to the nature of the offence; reparation to any who have suffered by him, and payment of all just debts being always allowed.

XXIII. For avoiding innumerable multitude of statutes, no act to be made by the great Council shall be in force above fifty years after it is enacted; but as it is then *de novo* confirmed, allways excepting these four and twenty fundamental articles, which, as the primitive charter, is forever to remain in force, not to be repealed at any time by the great Council, tho' two parts of the Council should agree to it, unless two and twenty of the four and twenty Proprietors do expressly also agree, and sixty six of seventy two freemen; and when they are one hundred forty four, one hundred thirty two of them; and also this assent of the Proprietors must be either by their being present in their own persons, or giving actually their votes under their hands and seals (if elsewhere) and not by proxies; which solemn and express assent must also be had in the opening of mines of gold and silver; and if such be opened, one third part of the profit is to go to the publick Treasury; one third to be divided among the four and twenty Proprietors, and one third to Proprietor or planter in whose ground it is; the charges by each proportionably borne.

XXIV. It is finally agreed, that both the Governor and the members of the great and common Council, the great officers, judges, sheriffs and justices of the peace, and all other persons of public trust, shall before they enter actually upon the exercise of any of the employs in the Province, solemnly promise and subscribe to be true and faithful to the king of England,

his heirs and successors, and to the Proprietors, and he shall well and faithfully discharge his office in all things according to his commission, as by these fundamental constitutions is confirmed, the true right of liberty and property, as well as the just ballance both of the Proprietors among themselves, and betwixt them and the people: it's therefore understood, that here is included whatever is necessary to be retained in the first Concessions, so that henceforward there is nothing further to be proceeded upon from them, that which relates to the securing of every man's land taken up upon them, being allways excepted. *And provided also*, that all judicial and legal proceedings heretofore done according to them, be held, approved and confirmed.

Drummond. Robert Burnet. Bar. Gibson. Robert Gordon. Gawn Lawry. Perth. William Gibson. William Dockwra. Thos. Hart. Thomas Barker and as proxy for Ambrose Riggs. Clement Plumstead, proxy for Barclay. Ar. Sonmans. Robert Turner and Thomas Cooper.

NOTE. It appears on reading the foregoing instrument, that in sundry places the sense is not compleat, but it is likely to be occasioned by omissions and neglects in recording, and therefore if the original can be come at, it will be proper to re-examine the foregoing copy therewith.

Robert Barclay's commission to be Governor is not upon record, but his commission for that office during life, is recited at length in his commission to Gawn Lawrie to be his deputy, and which is copied.

He had no doubt a temporary commission before the Proprietors gave him that during life, because he appointed Thomas Rudyard his Deputy Governor before the date of the last mentioned, and he continued till Lawrie superseded him, but as his commission is very short and Lawrie's more full, besides the recital of Barclay's, it is thought sufficient to copy that and that only, because there seems nothing material to be taken notice of in the succeeding commissions.

See a few pages further, a declaration what the planters settled before the present Proprietors bought the Province, are to do before they are to have the benefit of the foregoing constitutions.

To the Planters and Inhabitants of the
Province of East Jersey in America,
Robert Barclay, Governor and Pro-
prietor, and the other Proprietors of
the said Province, send Greeting.

SINCE it hath pleased Almighty God to
order it so by his Providence, as to give
us the interest we have in this Province where-
upon you reside, we desire nothing more than to approve
ourselves in this station as you may find yourselves happy
in this our purchase: And we do not only hold ourselves
obliged by the laws of God, and just laws of men, but our
own interest, to use all lawful and honest means to make
that plantation prosperous, which as it cannot be without
your sharing in the advantage of it, so the satisfaction and
benefit we propose to ourselves is by the good success of your
affairs, which we are resolved to advance, knowing that your
interest is now so bound up with ours, that we cannot suffer
if you prosper, nor prosper where you are injured, THERE-
FORE have we sent over to you two of our number, honest
and prudent men, by whose good advice and assistance we
hope the plantation will be benefited, and in a great measure
settled. We have given them instructions, and we are confi-
dent of their readiness therein to shew themselves not only
just, but kind and friendly towards you, to confirm the
rights of such as are there planted upon the Concessions
already granted, and supply the defects where any want a
sufficient right upon equal and easy terms; and so do every
thing else that towards the good government and advantage
of the Colony may be needful: They can acquaint you, that
there are concern'd with us who are very capable in many
respects, both to advance our just interest and protect us
from those that may attempt to hurt us. And we will be very
glad to hear that all things proceed with a good harmony, so
that we may have only occasion to use our interest and author-
ity to encourage you, and shall be well satisfied there be no

The Proprie-
tors Letter to
the Planters.

need of that which must take place for suppressing the stubborn and obstinate; but we will hope to find none such among you; but that the justice and generosity of our intentions will oblige all to a careful compliance with our just and friendly demands; so committing you all to the protection of Almighty God, we remain your real friends,

Robert Barclay. Robert West. Thomas Cooper. Thomas Hart. William Gibson, Ambrose Rigg. John Heywood. Hugh Hartshorn. Thomas Wilcox. Robert Turner. Thomas Barker, Robert Gordon. James, Earl of Perth. John Drummond.

Robert Barclay, one of the Proprietors and Governor of the Province of East New Jersey in America, to his trusty and well beloved Fellow Proprietor Gawn Lawrie, sendeth Greeting.

Gawen Lawrie's Commission to be D. Governor.

WHEREAS the Proprietors of East New Jersey aforesaid having by their commission under their hands and the seal of the said Province, constituted the said Robert Barclay Governor thereof, which said commission is in these words, or to this effect, to the Proprietors of the Province of East New Jersey, to our trusty and well beloved fellow Proprietor Robert Barclay, sendeth greeting. Whereas the power of government of the Province of East New Jersey, is devolved upon us, and assigned to us by JAMES Duke of York, with power to constitute and appoint such Governor and commissioners for the well governing of the said Province, as we shall see meet; and we having heretofore, out of the confidence we had of Robert Barclay, his skill, prudence and integrity, constituted and appointed him Governor of the said Province, to appoint a deputy during his absence therefrom, to be approved by sixteen of the Proprietors, upon the same

reason and confidence, we do hereby confirm to him the government of the said Province during all the days of his life, as to have the power of the government of all the said Province, and of all isles, rivers, islands, and seas within the same or belonging thereto, to do all and every thing or things which to the charge and office of a Governor doth appertain, commanding all inferior officers to obey him as their Governor, according to this our commission, and the powers hereby given him, and according to the laws and constitutions made or confirmed by us, or to be made, which he himself is to observe and follow, as unto his duty and office doth appertain. AND WHEREAS we have agreed and are satisfied, for certain good reasons and considerations moving us thereunto, to commit this trust unto him, and to give him this character, without laying any necessity upon him to repair to the said Province ; so likewise we have and do hereby give him power, from time to time as need shall be, during his absence, to name and constitute and grant commission to a deputy Governor, to serve in the said Province, he being always approved by sixteen of us the Proprietors, and following the orders he receives from us, according to the laws and the constitutions of the said Province. Given under the seal of the said Province, and sign'd by our hands, dated at London, the seventeenth day of the fifth month called July, in the year of our Lord, according to the English account, one thousand six hundred eighty and three, subscribed by Thomas Cooper, Clement Plumstead and proxy for Robert Turner, William Gibson, Arent Sonmans, William Dockwra, Thomas Hart, Gawn Lawrie, James Braine, elder, Thomas Barker, Richard Mew. He the said Robert Barclay, according to the power given him by virtue of the said commission, doth hereby as far as in him lyeth, out of the confidence he hath of the said Gawn Lawrie's skill, prudence and integrity, with the approbation of sixteen of the Proprietors of the said Province, testified by their signing hereof, constitute and appoint him deputy Governor of the said Province, and of all isles, rivers, islands and seas within the same, or belonging thereto ; to do all and every thing and things which to the charge and office of a Governor doth appertain ; commanding all inferior officers to obey him as their Governor according to this commission, and the power hereby given him, and according to the laws and

constitutions made and confirmed, or to be made and confirmed, by the Proprietors of the said Province; which he the said Gawn Lawrie is to observe and follow, as to his duty and office doth appertain; to hold unto the said Gawn Lawrie for and during so long time as he shall in the said place or office of a deputy Governor well behave himself, not exceeding seven years. And the said Robert Barclay doth further give power to the said Gawn Lawrie, in case of urgent necessity, to appoint a Deputy under him. Given under the seal of the said Province, and signed by the said Robert Barclay, and sixteen of the Proprietors of East New Jersey aforesaid, dated at London the day of the month called July, in the year of our Lord, according to the English computation, one thousand six hundred eighty and three. Memorandum, these words not exceeding seven years, were first interlined. Robert Barclay. Perth, Thomas Cox. James Braine, elder. Clement Plumstead, proxy for Robert Turner. Arent Sonmans. William Dockwra. William Gibson for himself and proxy for William Penn. Thomas Cooper. Richard Mew. Bartholomew Gibson. Edward Byllying. Thomas Hart. Thomas Barker, and proxy for Ambrose Rigg. Subscribed at Cluny, in Scotland, the seventh day of September 1683, by Robert Gordon. Robert Burnet.

INSTRUCTIONS for Gawen Lawrie, when it shall please God to bring him to East New Jersey. In the first place we do lay it upon him to take all due care to observe the act of navigation, and to see that it be infringed in nothing as to what relates to the king's customs or otherwise, and to give no connivance to any so to do, that there be no just occasion given of complaint, or reflections upon the Proprietors on that account, but that in all things he demean himself, and see that others under his authority so do, as may witness our sincere intentions of all submissions and obedience to the king, according to the obligations laid upon us by our patent.

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Governor Law-
rie.

II. That he keep a good and friendly correspondence with the Governor and colony of New York, and be careful of avoiding all things that may interfere with their interest, or give just reason of complaint from them; that he be not apt to give any encouragement to people to transport themselves from thence, minding that we do not design to advance our interest by any thing which may prove prejudicial to that Province.

III. We desire him also to keep a good and fair correspondence with all other our neighbouring colonies, and in all things labour to maintain peace and good will with them, wherein there doth not appear a manifest prejudice to us, and your just and honest interest.

IV. We do recommend to him to take inspection into our instructions last sent over, and to mind putting them in execution, and prosecuting them as if they were here particularly repeated and renewed.

These referred
to are not found.

V. We desire him to use all means of gentles and tenderness with the people there, and to let them understand our just and kind intentions towards them, that they may be disposed on the other hand to be just and respectful towards us.

VI. We do desire him to take a narrow and particular inspection into the state of the seventh reserved to us by the first Concessions, that we may perfectly know what they will amount to, how considera-

ble they are in every town, or in the greatest out plantations, that he may consider the best means of making a just division of them among the proprietors, and to see how it may be ordered that every proprietor may have as many acres of them lying together as may make a tollerable plantation, though the share of one might fall in the seventh of one town, and of another in another, since we think it not practicable that there can be division of the seventh of every town in twenty-four parts, it would make so many inconvenient fractions; so that the six towns, whose sevenths are not yet taken up by the Proprietors, (for Woodbridge goeth to Perth Town) it may be expedient that two sevenths go to eight Proprietors (consideration of the advantage or disadvantage of scituation or of the different quantity being had) and so divided by an equal lot in three parts, one to each eight Proprietors, and then a subdivision amongst them accordingly; yet this is still so proposed as it is remitted to his discretion, being upon the place and fully informed, to propose any better expedient.

VII. We think also the same may do well as to the division of the ten thousand acres to be set out to each Proprietor as hath been formerly ordered, which we desire may be done forthwith without any delay, viz. that any tract of land which is pitched upon for the laying out the ten thousand acres as a part of it, may be cast first in three equal parts or lotts, one to each eight Proprietors, or in two, viz. to each twelve if it be found most convenient, and then a subdivision to be made; always minding that these eight who have sent over servants and goods in company make one of the three, that being most just and convenient; as also if it may be had that at least two thousand acres may lye together for each Proprietor to be a particular plantation to them if they be so disposed.

VIII. We judge it also needful, that not only this two hundred and forty thousand acres, now to be set out to the Proprietors, be freed of all Indian incumbrances and purchased from them out of the company's stock, but that no opportunity be omitted of purchasing more land from the Indians until the

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whole Province be bought from them, and for this end whatever is there, of the company's stock or of profits arising to them from the quit-rents, or otherwise, be imployed.

IX. We desire he may make all needful preparations towards drawing the line of division between us and West Jersey, that it may be done as soon as possible it can; and that in the interim to take what information he can, where it will fall, so that we may have a certain account both of the breadth and length of the Province, and of the quantity of land that is in it, and of the nature of the soil and conveniency of those back parts of it whereof we have not yet so particular an account, and in this we could wish it might be discovered whether there may not a convenient road be found betwixt Perth Town and Burlington, for the entertaining a land commerce that way.

X. As to the quit-rents, we desire it may be seriously considered what has been said in the sixteen and seventeen paragraphs of our former letter directed to T. R and the advice of Council, therewith sent, to mind whether the land be taken up according to the old Concessions; for if it be not so taken up, it is strange why we should be pressed to confirm it, therefore consider the third article of the old Concessions, where all leases and grants are to be registered.

And the fourth article, the Surveyor General is to lay out and bound all land, which is to be done by order of the Governor and Council; and in the sixth article it is expresly said, all that are to be free men of the said Province are first to be admitted by the Proprietors, or their order; it must also be examined whether any have not a great deal more land than is in their patents, and in that case we leave him to make the best agreement with them he can, so as it may appear to them we are not so strict as in justice we may: And also where any are run far behind in their quit-rents and owe much, if they have much more land than they have yet brought in or have present use for, we judge it no ill expedient to pass them—their by past quit-rents, they of consent dispensing with a part of

Who to join
with the Gov-
ernor in make-
ing Agreements
new in this Arti-
cle.

their land to the Proprietors use where it lyes conveniently, as where some have ten or more thousand acres, and have perhaps used but a small part of it, as yet, and payed none or very little quit-rent for it, they may be content to let go a good part of it, rather then pay all their rests and be liable to pay the quit-rents for all time coming, so we leave him to bargain with them in such cases, as in discretion he shall see meet, not standing much with them upon small matters.

XI. We desire as soon as conveniently he can, a true and clear information of the state of the land already taken up, of the value of the quit-rents, of the rests owing, of the agreements he may make with any of them, and of the scituation, number of acres and valuation of the sevenths.

XII. As for the patents and grants of land given by Governor Nicholls which several seems to stand upon, we desire it may be examined what power Governor Nicholls had from the Duke, how far it extended, whether he had power to sell, lett or grant patents for land in Jersey's, also whether he made any laws or concessions, and if he had power so to do by his commission, and how his commission was limited for we have it not ; if he had no power to make laws or concessions, then by what rule could they proceed to take up land and settle upon it. And whereas some

Note. In the Book where the Laws of Carteret's time Are recorded there are the Copies of a sett of laws signed (James) and supposed to be sent over with Governor Nicholls, but question if ever they were put in execution at least for any time even in New York.

have pretended a right to government as well as soil, that cannot be: For suppose Governor Nichols had power to be Governor, it was to govern by some laws; if so where were these laws, who made them, and by what authority ; he could not divide the government so as to rescin'd one part from the rest ; all those things would be well considered ; where the difference is small we are willing the advantage fall to the inhabitants ; but where the difference resolves any ways to our considerable loss, if it, with the help of the Proprietors there, cannot be brought to a good issue we desire the cause may be truly stated and sent to us, that we may consider of the means to remove it.

XIII. We recommend to him to take care to let the people rightly understand the advantages yielded to

them by this scheme of government now sent over, and how much it exceeds their former commissions, which if rightly understood by them, we hope will be a great means to satisfy them; and also we desire that he may as soon as possible he can, order it to be passed in an Assembly, and settle the country accordingly thereunto.

XIV. WHEREAS in the tenth article of the first Concessions, the Assembly is to raise and provide a supply, for maintaining of the Governor and defraying all necessary charges, we recommend unto him the minding of this and managing of it with all the dexterity he can, that as we desire in all things to approve our selves just to the inhabitants, so likewise they may be found so to us, in this necessary point.

XV. WHEREAS one George Lockhart, who has a considerable plantation in the Province (as he informs us) is desirous to have the marshalls place, and offers (we giving him a commission for that office, together with a lott of ten acres in Perth town) to build us a prison and town house there, we do wholly leave it to him, to consider what accommodation there may be to us in that proposition, and do hereby fully empower him to grant such commission, and append our seal unto it, and make such agreement with the said George Lockhart as (being upon the place) he shall see meet.

XVI. It is recommended to take particular inspection into the conveniency of fishing, and seriously to consider the advantage which may probably accrue to the Proprietors by an improvement thereof, whereupon we will expect information, and propositions to that effect; and especially as to the whale fishing, which we desire may be encouraged, and to that end we do allow to make use of our effects there, rather then by loss of time in waiting for advice from hence, the fishermen should be drawn elsewhere for want of due encouragement, as we understand some already are.

XVII. As to the lotts at Ambo point, and the town of Perth, there to be built, we desire that due care may be taken that it may be made regularly according to a scheme

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which is intended herewith to be sent ; to be sure that the streets be large, that the houses be not crouded one upon another, but that each house have backwards a considerable void for a yard and garden, that so no street be laid close to the back of another without an intervale of at least a pair of butts, and that the key and market place be also conveniently ordered.

XVIII. Though we understand by S. G. and T. R. their letters, that the parcel of land intended for the township is but nine hundred acres, and one hundred of meadow, yet since widow Cartright has offered two hundred lying well to it, we desire it may be accepted, and that three hundred more of what is most contiguous and adjacent may be laid to it, and so make us the number of fifteen hundred as was first proposed, that so there may be one hundred and fifty lotts of ten acres a piece ; and we think it most convenient that there may be an entire division of these lotts amongst the twenty four Proprietors, which shall be about six lotts to each, all that is for publick use being first taken off, that so each may build, sell, lett or dispose of their lotts as they see meet, which we judge will be the quickest way of building the town : But if any lotts be sold already by S. G. or T. R. according to the order they had, if so be they, or some other of the Proprietors, be not willing to allow them in their shares and take the price, then let all that is sold be first deduced of the general, and be divided provato, and the rest be divided amongst the Proprietors, to be disposed of by them as is above mentioned.

XIX. We do also hereby authorize them to call for an account from Samuel Groome of our cargo of 750 £. sent over, and desire thee to send us a particular information per first how it is employed, how it stands, and what is become of it : Also in respect Samuel Groome, the younger, has shewn so great an inclination to sell his fathers propriety, which he has already a right to, and that thereby Samuel Grome, the elder, may either come back or be indisposed to serve in the employment of Surveyor General and receiver of our rents, therefore we do herewith send a blank commission for Surveyor General, and another for general receiver, to be filled

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up by him to such persons as he shall find most proper upon the place for that use.

XX. We do also hereby according to the paction made betwixt thee and us, order thee as our Deputy Governor, to take possession of the house belonging to the Proprietors, with the orchards and grounds belonging thereto; and we order Thomas Rudyard to give thee possession thereof; and we desire thee to take care to clear all the frivolous pretences of widow Cartright thereto.

XXI. As for the laws made in the last Assembly, sent over to us, we have this to say, that by the first Concessions the Assembly has only power to make laws which are to stand for a year, unless they be approved by the Proprietors: now tho' we have not much to oppose to some of them, yet we see not meet to approve of them, because we have here sent a frame of government which we are perswaded is far more advantagous for the Province, and we desire things hereafter may be ordered accordingly: and for other trinsient laws, we judge there is no need of multiplying them, which after this method would quickly swell to too vast a bulk; so that in most of those cases mentioned in the laws sent over, it is both most proper and safe that the common law of England serve. London the twenty of the fifth month called July, 1683. Barclay, for himself and for the Earl of Perth. John Drummond, of Lundy, for Robert Burnet, Ar. Sonmans, for myself, and for Robert Gordon. Thomas Barker and for Ambrose Riggs. Richard Mew. Thomas Cooper. Clement Plumstead, per proxy. Robert Turner. William Gibson, for himself and William Penn. Thomas Cox. James Braine, elder. Thomas Hart. William Dockwra.

A POSTSCRIPT, &c.

MEMORANDUM, it is also recommended to Gawn Lawrie, or the Governor for the time being, and it is unanimously agreed, that wherever any land is set out, or cast out into divisions, to be distributed among the Proprietors, before it be by lot applied to particulars for the encouragement of such as are ready by themselves or agents to plant and improve, they shall have choice of the division before the lot be cast: and for the further

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securing the equity of this, that it be passed in the first great Council as an act; and in pursuance of this, as to the six thousand acres belonging to the Proprietors upon the south side of Rariton, over against Ambo Point, that it be cast in three equal Divisions, two thousand in each, for every eight Proprietors: and therefore the eight Proprietors who are now sending over in company both stock and servants, shall have their choice of these three divisions. AND WHEREAS the three lots must be cast again in eight divisions, one for each Proprietor, whatever Proprietors at any time hereafter shall be ready to plant upon and improve his share, shall likewise have his choice of the sub-divisions. Barclay, for himself and for the Earl of Perth. John Drummond of Lundy, and Robert Burnet. A. Sonmans, for myself and for Robert Gordon, and for B. Gibson. Ambrose Rigg. Ed. Billing. Thomas Barker, and for Ambrose Rigg. Thomas Cooper, James Braine, elder. Thomas Hart. Clement Plumstead, P. R. and proxy. Robert Turner. Richard Mew. William Dockwra. William Gibson for himself and William Penn. Thomas Cox.

WHEREAS we the Governor and Proprietors of East New Jersey in America, have agreed to a scheme and form of fundamental constitutions for government, greatly tending to the benefit and advantage of the planters and inhabitants of the said Province, wherein we have conceded divers priviledges to them, and given them communication of part of the powers we stand seized in ; we have seen meet for good and weighty considerations as a further signification and explanation of our intentions therein, to declare that we intend not (neither will we) that the said scheme of government be proposed or yielded to any person or persons but such as shall plant or come to be inhabitants in the said Province under us, and by virtue of deeds or grants from us, or our agents, after our present Deputy Gawn Lawry is arrived and settled there : but we do not yield them to such as have been or are inhabitants of the said Province before his arrival ; yet nevertheless as we are most willing to approve ourselves both just and kind to the former planters and inhabitants, we declare and offer unto them the benefit of the said fundamental constitutions, under the limitations and conditions after following and no otherwise.

Proviso and
addition to the
Fundamental
Constitutions.

I.

That the grants and patents of all planters and inhabitants in the said Province, by which they claim to hold any land in the same, be first view'd and examin'd by our Deputy for the time being, and the major part of the Proprietors that come personally on the place (who are not exempted in the twelfth article of the said constitution from publick trust) and be approved by them as justly and legally obtain'd ; and that if it be inquired into and found by them (or such as they shall appoint) that their lands, as to the number of acres, do agree with and not exceed their respective grants and patents ; and that our sevenths be retain'd according to the old Concessions ; and that all legal titles and grants whatsoever formerly obtained, and that shall hereafter be obtained, be entered in the new register for confirmation by the present Proprietors never to be questioned for time to come, to the end there may be perfect peace and settlement of every man's title in the Province.

II.

That they give him and them satisfaction as to the arrearages of quit rents owing by them, to which we have just right, or satisfy him or them for the same, by surrendering back such part of their lands (to which they have good title,) as shall be to the value of such quit rents as they owe.

III.

That they settle with him as to the punctual payment of quit rents for all time coming : but that no more land than what does appear upon the re-survey due to any man (reasonable commonage excepted) be continued, tho' he would pay the quit rent, but that it be taken into the Proprietors possession.

IV.

That they agree in the General Assembly or great Council, to pass an act for constant support of the government and defraying the publick and necessary charges.

But in case all or any of them prove obstinate and refractory in these particulars, we will and require our Deputy Governor to rule such as can justly claim to the former Concessions granted by Sir George Carteret, according to them, and to recover our rights that are due from them ; and for others that do not readily comply with these conditions, that he rule them according to the full extent of the power and authority granted to us, as he will be answerable.

Nevertheless in case the said planters and inhabitants are willing to make a fair and honest compliance with our just demands, to the end that the settlement with them may not be retarded by our being at a distance, we hereby grant to our Deputy, jointly with the major part of the Proprietors, (that come personally on the place) not excepted as aforesaid, our full and free power to settle and conclude with the said planters and inhabitants, or any of them, upon such terms as they shall judge most equal to them, and convenient for our just interest ; and to distinguish such of them as he and they shall find very deserving in promoting the Proprietors just interest, by particular marks of favour and better allowance to them than others ; and that all such may

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be made partakers of the benefits and advantages proposed in the said constitutions, but none others: Only we do not allow any agreement to be made for selling of the quit-rents to any, until we be further acquainted, and that we send our more particular orders thereupon. In witness whereof we have subscribed this in Scotland the tenth of December 1683, and at London the one and twentieth day of December 1683, and thereto affixed the seal of the Province for its further sanction.

Barclay. Perth. Robert Gordon. Richard Mew. Thomas Cox. Thomas Hart. James Braine. Robert Burnet. Thomas Cooper. Bartho. Gibson. William Gibson. Clement Plumstead. William Dockwra, and proxy for Drummond, Thomas Barker, and proxy for Ambrose Rigg. To Gawn Lawrie, Deputy Governor, and to the rest of the Proprietors who are of the Council in East New Jersey.

Gawn Lawrie, and fellow Proprietors in Council.

WE have seen and considered the letters brought us from East Jersey by John Barclay, from Thomas Rudyard and Samuel Groome, and tho' we doubt not of thy prudence and discretion in the right management of our affairs, yet for thy further ease and assistance, we have thought meet upon those to add what is hereafter, unto the former instructions given thee.

Instructions to
G. Lawrie.

We are very sensible of Samuel Groome's honesty and fidelity to our interest, and therefore cannot but very well approve of his proceedings, both in his care in seeking out and discovering the best land, and surveying it out for our use; for his endeavours to clear it of the Indian incumbrances, and for his refusing to comply with the particular interest of any there, by accommodating them with lands (or others at their desire) to our gene-

ral prejudice ; and this we are willing to be signified to him in our name ; and we wish there may a way be found whereby he may still continue to be concern'd with us : And tho' we are not willing to let Thomas Rudyard want his due acknowledgment for his good service done in resisting and curbing the tumultuous spirits there, and for his care of his own and our concerns, in that respect ; yet we wholly disapprove his offering to put another surveyor over Samuel Groome, and we will not that any such grant of land as having been yielded by Thomas Rudyard after this manner, and not survey'd by Samuel Groome, be good and valid, but declare them to be void, as being done without our knowledge and against our interest ; for we will never consent to such a preparative, that the Governor and Council there shall dispose of our land there upon what terms, and to whom they seem meet, without the consent of the greater number of the Proprietors or their proxies.

And as to Thomas Rudyard's objections upon this point, that it is to the detriment of the Province, for that people have not land to settle upon who are willing to come and dwell there, whereas in other Provinces several thousands are quickly accommodated, and had land laid out to them. We answer, that to avoid this difficulty we had proposed a very good way (to wit) that ten thousand acres of the best and most convenient land should be laid out for each proprietor first of all, and then let such as are there grant out of that land as they please and can agree, to such as offer there to plant, and leave others to follow such methods for the improving of theirs, as they see most convenient ; and thus all occasion of differences may be avoided, and not one encroach upon another, and those that come there to plant not want a settlement : Nor do we see any difficulty in this matter of the ten thousand acres, seeing to facilitate the same, we gave order, that whenever any tract of land were found out and survey'd for the proprietors use, it might be cast in three lots whether it be twelve, eighteen or twenty-four or thirty thousand acres, less or more ; and the one third cast together under the name of the Scotts proprietors, who will take care of the ordering the sub-divisions thereof, by private and particular orders to their own agents and overseers : And have also sent over John Reid (and

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if he be found capable) a good surveyor to make their particular sub-divided surveys, after the total is survey'd by the general surveyor. And now we are of the mind that for the more facilitating of this, when any tract of land is set out for the Proprietors in order to the making up of the ten thousand acres above mentioned, it may be cast not in three, but in two lots, seeing the Scots, with those that are concerned with them, (are resolved to follow that method) may make up the one half, or probably will e'er this come to be put in practice, being already 1 Perth, 2 Lundy, 3 Barclay, 4 Burnet, 5 R. Gordon, whereof G. L. hath the half, 6 Gawn Lawrie, which belongs to Arent Sonman's children, 7 Arent Sonmans, now belonging to his son, 8 Barthomew Gibson, 9 David Barelay, 10 William Dockwra, 11 the half of Richard Mew belonging to John Hancock, Widow Sonmans brother; so that we doubt not but the one half may be reckoned upon, and therefore we order, that the tracts of land survey'd out for the Proprietors may from time to time be cast in two lots, the one called the Scots lot, and of that we will take care, for such of us as are therein concerned will not consent (as yet) our shares thereof to be sold, or set out at two pence, nay not at four pence, one acre; since we have proposed other methods to ourselves, and have a prospect of turning it to a better account; and yet those may follow their own way out of the other part allotted for them, who think it their advantage to set out land at two pence per acre, or sell it off to such as are coming there and offer to plant: Neither do such of us as are otherwise minded, intend to set our land to lye unimprov'd, but hope to have it speedily planted, as by a cargo nine hundred and fifty acres sent lately from Scotland may appear. So in the Record And to the end there may be no jealousy of design or unequal dealing, we give this positive order, that no tract of land above forty-eight thousand acres be sold out in two lotts, viz. twenty four thousand acres each, which will make two thousand acres for a propriety, and that the next tract or neighbouring land on the English side, be appointed for the Scots lot; and the next tract or neighbouring land to the Scots side, be appointed for the English lot, and so *toties quotis*, as land is set out for the Proprietors: We propose the same methods of casting in two, as to the lots of Amboy (now Perth) Town, cast by

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Samuel Groome, nor see we any difficulty in getting it quickly to advance, after this manner, as Thomas Rudyard, seems to judge in his letter, for there is herewith, orders sent, and a fund proposed for the building twenty four houses, which is a good beginning, and some other persons who have lots, from the Scots Proprietors, intend to build some houses also; which will accommodate such as incline to come for a begining. And if by that scheme, which is come over, the lotts can be distinguish'd and the one half, viz. every other lot, 1, 3, 5, 7. 2, 4, 6, 8, and so one be allotted to the Scots in manner as above, it may be easy by an alphabet or figure, presently to distinguish the six lotts belonging to each proprietor, which we desire may be done and sent over with all expedition, for that would give great satisfaction here. And such as have subdivisions under particular Proprietors, would see where their share lies, and then give orders to build upon them, and others would purchase shares, so that we doubt not (this method being followed) but it would quickly go forward, so that we see no necessity, neither are we willing to give lotts away, or at an under rate, to the spoiling of that reputation which we have been instrumental to get in peoples minds, to the advantage of the Colony in general and that spott in particular, upon the informations formerly received.

If so be also, there could be an exact map of the country sent over, wherein these particular tracts set out or to be set out, to the Proprietors, may be marked with the number of acres they consist of, and the division in two halves, (above desired) distinguished, it would greatly contribute to satisfy many, who are desirous to purchase; and tho' this did prolong the time of planting at present, yet it would afterwards more speedily and advantageously advance it; and since those presently inclined to plant, may by grants out of the particular shares, (of others who are there) be accommodated, we see not how we injure them by it, and we hope they will be more weary than to dispose of our interest against our wills.

For the Indian purchase, we shall wish it may go on, and tho' Thomas Rudyard, says the proceeding therein will exceed our cargo which is there, yet we are so desir-

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ous of it that we are willing (so far as comes to our share) that Gawn Lawrie purchase it with the consent of the major part of the Proprietors on the place, and draw upon us for it, and we shall answer it, viz. that it be not purchased for any particular account, but on the joint account of all the Proprietors and not otherwise. It is to be minded that in our instructions sent with G. Lawrie, we signified our unwillingness to confirm fully the acts lately passed and sent over to us, but this must not be understood of them all, especially that whereby the late illegal grants, voided by the Assembly, and passed by Vicears.

As to the tenth Article of our instructions given to G. Lawrie, we appoint that the joint assistance, and consent of the major part of the Proprietors on the place be added to him, to act in the business of that article. See Folio, 173.

It is not to be forgotten, that as soon as can be weekly markets and fairs, at fit seasons, be appointed at Perth Town, and that care be taken that goods be not exported to New York, or other places, but all be brought to Perth, as the chief staple, and that a charter, with all necessary privileges and jurisdictions, be forthwith granted to that corporation, to encourage people to settle there. Barclay for himself, and Robert Gordon. Robert Burnet. Bartholomew Gibson. Perth. Clement Plumstead, per Robert Turner. J. Drummond. Thomas Cox. William Gibson. Thomas Hart. Thomas Cooper. Thomas Barker. Richard Mew. Ambrose Rigg. William Dockwra. London, second of January 1683. Deputy Governor Lawrie, our Governor Barclay, desires thou mayest know, that this last month of December 1683, Sir John Gordon, of Edinburgh, hath purchased half a propriety of Thomas Cooper; and Robert Burnett, of Edinburgh, hath purchased half a propriety of Clement Plumstead, both which they have conveyed, and the deeds sealed accordingly, which does make the better half now, and to explain the figures within, in words at length, they are forty-eight thousand, twenty-four thousand, two thousand for one propriety. W. O.

Agreement of
the Proprietors
about taking
up Land.

WE the Governor and Proprietors of the Province of East New Jersey, being desirous to give all due encouragement to every one that purchases from us of that Colony, and do desire to settle there and improve their lands, having formerly resolved and given orders, that ten thousand acres in the best and most convenient places of the said Province, be with all convenient speed set out for each propriety, do hereby further declare and agree, that whoever has purchased any share or part of a propriety, and goes over, or sends servants to settle upon it, shall have a competent number of acres set out to him or them, lying together in the first tracts of land, surveyed or to be surveyed for the use of that Proprietor, of whom he purchases. *Provided* such quantity of acres, do not exceed the number hereafter specified, and that they be granted by warrants, limited and expressed in the manner following, that is to say, all who has purchased one-twentieth part, may have five hundred acres in one tract lying together, and the warrant shall bear this express clause, that it is in full of his proportion of the first ten thousand acres, to be set out to each proprietie, and he who has a tenth, may take up also five hundred acres, but no more at first, and his warrant shall express it in full, of half of his proportion of the first ten thousand acres aforesaid; and if any have less than one-twentieth, he shall have as much together as his share of the first ten thousand acres amount to, but no more, and it shall be express'd also in full of his proportion of the said first ten thousand acres; and where any such small purchases (going or sending over to settle a family) has his full proportion, he shall have no further lands, until the proprietor of whom he bought, have the full remainder of his ten thousand acres set out to him; and that there be a new division, unless in such case wherein any proprietor who shall have sold one or more small parts of his propriety, shall neglect to settle families and servants on the rest of his lands unsold, so long as until the small purchasers under him, have well planted and improved their land set out to them, at their first settling, as their part of the first ten thousand acres, and that they desire more land to settle, cultivate and improve; in such case, such small purchasers, shall have the like quantity of land as at

first set out together in one tract, out of the remainder of the first ten thousand acres surveyed, or part of those lands belonging to that Proprietor of whom he purchased, and so to a third and fourth division, in favour, and for accommodation, to every such small purchaser, as shall from time to time, have well planted and improved the lands they settled on, when the Proprietor who sells to him shall let his land lye unsettled and unimproved, it being most reasonable that those who do let their lands lye neglected, and make no improvement, should have their shares left to be made up in after divisions, nevertheless it is to be understood that what lands shall from time to time, be so let out to such small purchasers that settle and improve, shall be account as part of their dividend, of their proportional share of the Province.

And it is also hereby declared and agreed, that this instrument, with the concurrence of the Governor, shall be of good authority to the Deputy Governor and Council, who is allow'd to give warrants according to the resolution, for the encouragement of all purchasers who shall transport their families or servants to settle in the said Province, which will promote the general advantage thereof, and for the better publication and fuller confirmation of this instrument, the Governor and Proprietors have hereunto set their hands, and have ordered the same to be registered in London, as also in Scotland, and East Jersey, and to have the seal of the Province fixed thereto, for its further sanction. Subscribed in London, the twentieth day of February, in Scotland, the twenty ninth day of the same month, and in East Jersey, the fourth day of October, in the six and thirtieth year of King CHARLES the Second, *Anno Domini*, 1683-4, Barclay. Robert Burnett. Gawen Lawrie. Perth. Barclay, for Robert Gordon. Thomas Cooper. Richard Mew. Thomas Barker. Walter Benthall. J. Drummond. William Gibson. Clement Plumstead. William Dockwra, and proxie for Thomas Hart.

Robert Barclay, Governor and one of the Proprietors of the Province of East New Jersey, and the other Proprietors thereof, unto the Planters and Inhabitants, of the said Province, sendeth Greeting.

The Proprietors
Letter to the
Planters.

SOON after it pleased the Almighty God, by his Providence, to make it our lot, to have the interest of that Province, we esteemed it our duty to be much concerned in taking due care of the affairs thereof, and accordingly we sent over two of our number in October 1682, with instructions and a declaration to you of our just and honest intentions.

Since that time having received both full information from them, and divers ways coming to understand more fully the state and condition of things there, we are capable to make a more perfect judgment of our interest and of your circumstances in relation to us, and have therefore for the better settling both the one and the other, sent over Gawn Lawrie, (one of our fellow Proprietors) who we hope is before this time with you, under the character of our Deputy Governor, in whose understanding and honesty we repose full confidence, and with whom, as we have sent full instructions and memorials towards the putting all things in good order, so we expect a suitable compliance, on your parts, to our proposals made, or to be made, by him, to whom we have given credentials for that end, in the most ample manner.

But we must be plain to acquaint you, that we were not a little troubled, to find that there are too many dissatisfied and self-ended persons, among you whose indirect designs did quickly appear in seeking to subvert our just interest, that they might advance their own unwarrantable pretences, who we hope are in some measure

rebuked by the disappointment of their vain expectations of the invalidity of our right and title to the Government. The clear demonstration of the contrary, as it will encourage the more honest and sincere, so it will teach others to mind their duty better for time to come, and bring them to be better acquainted with us than some of them seem'd to be, when they considered us as strangers and persons unknown to them ; but however, they may esteem us as such, we resolve not to be so foreign to our interest there, but that we shall make it manifest, that distance of place shall not hinder us from such a narrow search and inspection into our concerns, that those who think either to possess our lands by unreasonable claims, or any ways to conceal them from us, will find themselves much mistaken.

And it cannot but manifestly appear, to all such that love the interest of that Colony, that those that went about to propagate any pretence, to oppose or weaken our right and title, could not be esteemed friends, either to the Proprietors, or to the true interest of their honest and well meaning neighbors in our country, since that was the way to expose the whole to be a prey to others as formerly it has been, but we hope by the assistance of God, and the King's justice and favour towards us, so to prevent such practices for the future, that all people residing in the said province, (or any way concerned therein) may rest in full assurance of being protected in all their just rights and priviledges, and to receive all due encouragement from the Proprietors.

And as we have taken all just care in those matters, that you may reap much benefit thereby, so we do reasonably expect a due submission on your parts, to our just rights, and to the Kings letter consequential thereunto, which before this time will be with you.

We have seen and considered your addresses made to some of our number upon their arrival, and hope that in a great measure your desires therein are answered, as to what relates to the former oppression you have been under, either from your neighbours, or those who have heretofore govern'd you. But we find you lay that stress upon your purchase from the Indians, which it will never bear, for we would have you informed, that thereby you

have acquired no right but what is duly confirmed by us, or our legal predecessors, unless you would renounce all interest and protection from the King of England, and so subject your all to a just forfeiture, but we will not now descend into particulars, having given our deputy full instructions in all these things, only we would have you know that we have sent over by him, such a scheme of government, of which we may say without vanity, it is both just and kind to every inhabitant in the Province, the benefits whereof you may partake off, provided (as it is our desire) you may deserve it by being no less just to us than we are ready to be kind to you, so wishing you and your concerns all good success, we commit you to the protection of the Almighty and are your real friends. Barclay. Perth. Drummond. Geo. McKinzie. Peter Sonman's. Ro. Burnett. Wm. Gibson. Barclay, for Ro. Gordon. Wm. Doewra, and proxy for Thomas Hart. Walter Benthall. Thomas Cooper. Thomas Barker. Clement Plumstead. Given under our seal of our Province in London, February twenty nine, 1683-4.

Robert Barclay, Governor and one of the Proprietors of the Province of East New Jersey, and other of the Proprietors thereof.

To the Deputy Governor and the Proprietors in Council there, GREETING.

Instructions
concerning set-
ting out lands.

WHEREAS in the month of March last, there was sent by Thomas Singleton, bound for East Jersey, &c. An instrument bearing date the twentieth day of February last, wherein the Proprietors did among other things, give order for the setting out of convenient tracts of land, to accommodate small purchasers at their arrival in the said Province to settle upon, to be appointed them out of the first parts and dividends of the ten thousand acres, order to be set out for a twenty fourth part to each Proprietor, (and so

pro rata) out of such lands belonging to them, of whom they particularly purchased. We having since further considered that such small purchasers, who are now ready to transport themselves, and others who may shortly after follow them, may have occasion for more land to settle their family's upon, than can be had for their share out of the first dividend of the ten thousand acres taken up, or due to such particular Proprietor or Proprietors of whom they purchased: Now in consideration of the great benefit that will accrue to the Colony in general by encreasing the numbers of laborious people, to go over with their families to plant and improve the country, and being well satisfied that one way to promote so good a work, is to give good encouragement to all small purchasers by furnishing them as soon as they come over, with a sufficient number of acres, to make a good farm or plantation in one place.

We the Governor and Proprietors abovesaid, have agreed, and do hereby order you the Deputy Governor and Proprietors that are of the Council, or the major part of you, first to cause the surveyor, by your consent and direction, to set out to every such small purchaser as shall come over, their shares due to them, out of the dividends of that Proprietor or Proprietors, of whom they have purchases, proportionable to what they have bought, and if any small purchasers share out of the Proprietors dividend, (of whom he bought) amount not to five hundred acres, then that you make up five hundred, (if the purchaser desire it) out of the rest of that Proprietors land of whom he purchased.

But if any Proprietor have sold to several small purchasers, so that each that come over, cannot have five hundred acres, out of his share, of the first dividend of part of the ten thousand acres, then those purchasers who first came together, shall have their proportionable share (a peice) towards making up five hundred acres, as far as such Proprietors dividends will amount unto of whom they bought; the true intent and meaning thereof being this. That where any Proprietor (who hath not sent stock and servants) shall sell any part of his land to one or more purchasers, his whole first part or dividend of the ten thousand acres shall be taken, (if need require) to accommodate these small purchasers to whom he sold,

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with five hundred acres of land a peice, (if they desire so much) before any others of the Proprietors lands shall be meddled with for that purpose.

Be it also further agreed, that in case there be not sufficient land, in any Proprietors first dividend of the ten thousand acres, (who have done nothing towards the improvement of his part, by sending stock and servants) as to make good five hundred acres to each small purchaser (to whom he has sold) when he comes to settle his family in the Province, then in such case that the surveyor (do by your consent and direction) first set out to such small purchasers, so much as his share comes to, and what more can be made out of the remainder of the first dividend of the ten thousand acres belonging to that Proprietor of whom he purchased; and what is wanting of five hundred acres to each small purchaser, it shall be lawful for you the Deputy Governor and major part of the Proprietors of the Council, and you are hereby ordered to cause the surveyor (by your consent and direction) to set out without delay so much land, out of some other of those Proprietors shares or first dividend of the ten thousand acres, as shall be enough to make up every small purchaser full five hundred acres (if he desires so much) at his first coming to settle his family in the Province,

And we the said Governor and Proprietors desire that you the Deputy Governor and major part of the Proprietors, in the Council, have respect to these particulars following, in the prosecution and managing of this order, viz.

I. That no land be set out to these small purchasers by his or her particular choice, or election, even from the share or first dividend of the ten thousand acres that falls to that Proprietor of whom he or they bought, but that their part thereof, (whether more or less) be divided by lot to them.

II. That where any small purchasers shall be accommodated with more land out of any other of the Proprietors first dividend, of the ten thousand acres as before is appointed, it shall not be taken out of such

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Proprietors land who has sent stock and servants, or made any settlement on his share) but out of such Proprietors shares who have not sent stock and servants, and whose lands lye unemployed and not improved.

III. That the making up of the five hundred acres to each small purchaser (if he desire it) shall be set out of the Proprietors dividend who has not sent stock or servants, that lies contiguous to such small purchasers first part of the five hundred acres of land set out or intended to be set out to him : and in case no such Proprietors land lye contiguous (or next adjoyning) then 'tis left to you the Deputy Governor and Council, to appoint the surveyor out of which of such Proprietors dividend to set it out, but it shall not be otherwise set out, than by casting an equal lot.

IV. That where any Proprietor having his full twenty fourth or forty eighth part, sends over in his name, either servants or stock, or such that are willing to farm land of him, so as to become his servant, shall have as large tracts of their proportion, as may suit with the number of people thus sent over upon their account, and the conveniency of the place and other circumstances, to be adjudged by the Deputy Governor and concurrence of the major part of the Council.

V. That due care be taken to reprice every such Proprietor as parts from land, to accommodate such small purchasers out of the next dividend of the ten thousand acres, or as soon as so much land is found to make it up, and that as near as may be, the like land for quality and goodness and situation be made good, and where that cannot be had, that special regard be had to repair them by quantity and by such other consideration, as in the ballance of justice and equity, the exchange may be made equal.

VI. That such small purchasers have no more land than his own share comes to in the second, third, fourth or any further dividends of land than the first five hundred, acres, unless he have first cultivated and improved the said five hundred acres, and wants and desires more, and in such case the Deputy Governor and major part of the Council to adjudge thereof, and if they see it just to

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give him more land for further encouragement, yet we hereby limit that it shall not exceed five hundred acres more. And such small purchasers as have bought under a tenth part, shall not have more land than five hundred acres at first, nor afterwards more than their share of the whole first ten thousand acres reaches to, until another dividend beyond the ten thousand acres be made.

VII. You are hereby ordered, that strict care be taken, that no part of any Proprietors interest whatsoever in the other moiety of that tract of land upon the south of Rariton river, called Changarora, one moiety whereof being already allowed to be taken up by the scots) nor any land at Amboy Point, nor within two miles distant every way round the intended bounds of the lands belonging to the intended town or city of Perth, (as it is demonstrated in the last new model drawn and sent you by Thomas Singleton) be taken away to be added to any of these small purchasers, or any other purchasers, but that every ones share and interest, and dividend therein, be reserved to himself, as well to those Proprietors who have not sent over stock and servants, as to those that have.

Nevertheless it is not to be otherwise understood, but that every small purchaser has a right to his own dividend in the said lands of Changorora, and his share in Perth Town, and the lands about it, and you are to appoint the surveyor to set him out his dues accordingly out of the dividend of such Proprietor of whom he bought, according to the proportion of the said purchase, and not otherwise.

Lastly, we hereby unanimously agree that this order do continue for the term of four years next following the date hereof and no longer. Given under our hands and seal of the Province in London, May third, *Anno Domini*, 1684, and in Scotland, May . 1684 Barclay. J. Drummond. Rob. Burnett. Clem. Plumstead. Will. Dockwra, for himself, and as proxy for the Earl of Perth. Tho. Hart, for himself and Walter Benthall. Tho. Cox. Tho. Cooper. Rich. Mew. Tho. Barker. James Brayne. Tho. Robinson. Willm. Gibson.

Robert Barclay, Governor and other of the Proprietors of East New Jersey.

To Gawn Lawrie, our Deputy Governor of the said Province, and to the Persons hereafter named, and to such other qualified Proprietors and Proxy's who shall come upon the place, sendeth GREETING.

WHEREAS we have considered the necessity in order to a full settlement and good of our Province, that there be full and ample power constituted in some persons upon the place, to do all things that may contribute to the good and advancement of the same, whereby the persons so acting may with full confidence and assurance proceed, and others there may with the greater freedom and clearness treat and conclude what is and may be necessary : Out of the trust and confidence we repose in our trusty and well beloved friend Gawn Lawrie, whom we have already constituted Deputy Governor of our said Province, do hereby give and grant unto him our full power and authority, by and with the consent and advice of Thomas Rudyard, secretary of our said Province ; Thomas Warne, one of our fellow Proprietors, David Tosback, of Monyweard, partner with James Earl of Perth, and Sir George McKinzie, of Tarbutt, and proxy for them, John Campbell, partner with and proxy for John Lord Drummond of Landrie, Robert and Thomas Fullerton, David Mudy, and James Johnson, who are proxies, respective for Thomas Hart, Thomas Barker, Clement Plumstead, and Thomas Cox, John Barclay and David Barclay, Thomas Gordon, Aurthur Forbis, Captain Patrick Magriger, all sharers in propriety's ; George Willcocks, proxy for Robert Gordon, and sharer of a propriety, together with such other of the Proprietors as may come upon the place, (who are qualified according to the Constitutions) and such other proxy's as we may make hereafter, to whom we commit our full power to act, and do for us even as we ourselves could

Instructions to the Deputy Governor and others.

Commissioners Names.

196 Instructions to the Governor.

do if present for the good of the Province, in the things and with the reservations hereafter mentioned ; agreeing nine of them to be a quorum, and the major part present to have power to determine, and our Deputy Governor to have two votes, viz :

I.

Who are to Confirm Acts. To approve and confirm such acts of Assembly, as from time to time there shall be found a necessity to establish before copies can be sent hither for our confirmation, but when the Fundamental Constitutions are passed in Assembly, then to proceed according to them.

II.

To end and agree all matters now in debate betwixt the Proprietors and the former planters of the said Province, and other, as to their pretences to land, and as to the arrears of quit-rents, as to settlement of them for time to come, and to grant them patents accordingly, but not to sell off any of our quitt rents, without our particular order for that purpose.

III.

To order, settle, sell, let, or dispose of by patents, the lotts for building, and other lands of Perth, so as may best conduce to the advance and improvement of that town, yet so as they may not reach the share, in part or whole, of any Proprietors, who have already given particular directions for the building upon or settling of their lots for themselves or their friends, or any in their name : And what shall be so sold, let or disposed of, the produce to be applied to the respective Proprietors whose lots they are.

IV.

To purchase and take up land in the Proprietors names (and no other) from the Indians as they see cause, or find it necessary.

V.

To set out land upon rent, to any there who may offer to settle : And tho' in this we will not straiten or limit them, yet we desire all the forbearance that may be, until we see what further prospect there may be of sending over people enough from England, Scotland, and other nations for that end.

VI.

To run the several lines of division, and determine the limits and bounds of the said Province, either with those of New York, or West Jersey.

VII.

To take the readiest way they can, either out of the sale of lands, or out of arrears, or present quit-rents, or any other effects belonging to the Proprietors in the said Province, so as may make good to Thomas Rudyard, one hundred and eighty pounds, which together with twenty pounds due from him to the publick stock by three rates laid on each propriety, one of ten pounds and two of five pounds a piece, do make up two hundred pounds sterling, value in England, being allowed him for his service while he was Governor. These being the chief matters we can learn from our intelligence from them, as necessary to be at present taken care, for all other things of less moment being sufficiently expressed and fully provided for in former instructions and warrants, we give them as aforesaid, our full authority in the premises, reserving to ourselves the power of revocation of this authority when we shall see cause ; in the mean time until revocation, whatsoever is acted hereby to be in full legal force and virtue. Given under our hands and seal of our Province in London, August, *Primo*, 1684. R Barclay. Perth. Drummond. R. Barclay, for Rob. Burnett, and Rob. Gordon. Tho. Cooper. Tho. Cox. William Dockwra. Thomas Hart. Walter Benthall. Richard Mew. Thomas Barker. Clement Plumstead. To Gawn Lawrie, Deputy Governor, and to all others herein mentioned, whom this may concern.

198 Instructions for taking up Land.

ROBERT BARCLAY, Governor and one of the Proprietors of the Province of East Jersey, and other of the Proprietors of the said Province. To our Deputy Governor Gawn Lawrie, and to the Deputy Governor for the time being, and all others whom these Presents may concern, Greeting.

Instructions
for the method
of taking up and
patenting Land.

WE the Governor and Proprietors above-said, having of late received sundry letters from our said Deputy Governor, concerning the estate of our affairs in the said Province, and having duly considered them, have thought fit for the better settlement of the particulars hereafter mentioned, to give and grant our full power and authority unto our said Deputy Governor Lawrie, and the Deputy Governor for the time being, joined with any five or more of the persons who are upon the place, and are named in the late instrument. Dated the first day of August last, or the major part if under five of them upon the place.

Commission-
ers, see their
Names.

I.

To end all controversies and differences with the men of Neversinks, and Elizabeth Town, or any other planters or persons whatsoever, concerning any pretended titles, or claim to land in the said Province: and we do hereby declare that we will not enter into any treaty on this side, with any of those people who claims by Colonel Nicholls patent, nor with any others that challenge land by patents from the late Governor Carteret, as being both an affront to the government there and of evil consequence to make things to be put off by delays, and thereby hinder the settlement of our affairs in the Province.

And we hereby forbid the selling of any of our quit-rents whatsoever, only we do allow the acceptance of land back again, or composition for arrears, as in a former instrument was appointed.

II.

We give our said Deputy Governor Lawrie, or the Deputy Governor for the time being, in conjunction with any five of the commissioned persons aforesaid, or the major part of them if under five upon the place, our full power and authority to ratify all the laws which he hath lately confirmed to continue for the space of three years, to commence from the day of passing of the said laws in the Assembly of the said Province; excepting the law relating to the militia as it is already restricted by the Deputy Governor; and that clause in another law disabling Henry Greenland to bear office: And as to the law which relates to the first day of the week, we recommend him and them to a further consideration thereof, least it prove a burthen to some tender consciences who may find it their duty not only to testify against the Jewish superstitions, but also against some others in that point. We do also hereby impower him and them to ratify and confirm all such laws as shall hereafter by act of Assembly be made, for the like term of three years from the date they shall be past. But we do require this one thing concerning the court of common right, that it be always held at our town of Perth if it be possible; and that all other necessary courts, as also the Assembly (when called) do sit there: and particularly the Deputy Governor, for the time being, do inhabit there, and convene his Council in the said town of Perth.

III.

To remove the restrictions in the late instrument in favour of those persons who have purchased shares, and such as have sent stocks, or gone over to settle in the said Province. That Changoraza, or any other place, be not limited, seeing by that example we are subject to wrong notions of the convenience and situation of land, so that by making such limitations we hazard the perplexing of a right management of those things which we would have carried on for the accommodation and encouragement of all that send stock or go over to settle in the said Province.

IV.

To set out forthwith, without delay, to all those who have imported servants since the last grant from the Duke, of the fourteenth of March, one thousand six hundred eighty and two, their just dues for each head to continue until the twenty fifth of March next ensuing

200 Instructions for taking up Land.

the date hereof, and that such servants as have or shall come into the Province, within the limitation, may have their twenty five acres, set out to them upon their application, and be possessed thereof as soon as their times of indentures be expired, provided the master or mistress do certify to the Governor and Council their fulfilling the contents of their indentures, or articles; or in failure thereof, the servants making it appear to them by sufficient testimony: And for all such lands relating to servants heads

How lands are to be Patented for Heads Imported.

imported, we the Governor and Proprietors, do give our full power and authority to our Deputy Governor for the time being, to grant warrants to the surveyor immediately, to set out such lands to whom it is due, and to proceed therein according to the form prescribed in the Concessions, so as a deed or patent may be given and signed by the present Governor Lawrie, or the Governor for the time being, and three of his Council, or by four if more than six, and sealed with the Province seal. And for as much as such land was intended to be freely given for encouraging the importation of servants for the good of the Province, also by some mistake in that matter is two pence per acre, appointed to be paid by our former printed paper, we do hereby consent and agree, that in such grants for land relating to the importation of servants, there be only one penny per head, and no more inserted to be paid as an annual quit-rent for their land, any printed book, order, custom or usage to the contrary thereof in any wise notwithstanding.

V.

Warrants for Land to be granted by the Deputy Governor.

For the avoiding all exceptions about the due and regular proceeding in setting out of all other lands in the Province, we do hereby agree, that the Deputy Governor for the time being, shall grant his warrant to the surveyor to set out any

Surveyor to proceed according to the Concessions and Patents to be signed by the Governor and his Council, or any three of them, or four if more than six present.

Five Commissioners to consent to Warrant, see who they are, fol. 195.

lands that are to be taken up, or otherwise appropriated to such as have right, and the surveyor to proceed according to the Concessions; and when the grant is ready, the Governor and his Council or any three of them, or four if more than six of the Council shall sign the grant, as hath been accustomed by the former Concessions of the Lord Berkley, and Sir George Carteret, provided nevertheless, no such warrant be granted, nor no grant for the time to come, shall be legally in force and effect, but what shall first be consented unto and approved by five of

those persons, who are sharers in propriety's and proxies for Proprietors, and are residing upon the place, and who are named and commissioned in the instrument aforementioned, dated the first of August last, which was sent by George Keith, upon the Blossom, Richard Martin master, which consent and approbation shall be understood, by first entering in a book for that purpose, the copy of such warrant the Deputy Governor is about to grant, and then the subscription of five at least of the said commissioned persons, shall be made in such book, after which the Deputy Governor may give out his warrant, and he and the other officers proceed with the Council as formerly hath been used according to concessions, it not being intended that any but the Governor, and three or more of the Council shall be obliged to sign the grant or patent as formerly; this method to continue about setting out of lands, until the passing the Fundamental Constitutions, and no longer.

Afterwards altered, where five are to be a quorum and the major part present to determine.

VI.

We hereby declare that in case there prove a vacancy by death, removal or any other accidents, in the offices of Secretary, chief Register, Surveyor General, or Receiver General, or any other such place, our Deputy Governor shall grant his commission to such person as he shall see fittest to fill such vacancy, to continue only for the present time, until it be known whether the Governor and the major part of the Proprietors there do confirm him or have granted already, but if they not approve of the said person, then those that our Deputy Governor for the time being, have placed, are to give way to such, as at any time have had, or shall receive our commission for any such place.

VII.

That the rate of five pounds laid as a tax to publick stock upon each propriety, by an order of the Proprietors entered twenty-ninth of July last, and of ten pounds more, laid on each propriety by an order of the twenty-first of October last, towards payment of debts, and answering publick incident charges, be paid by every Proprietor or sharer in a propriety lately gone over, and now residing in East Jersey, or the neighbourhood thereof, to our Deputy Governor for the time being, upon the demand of him or his order proportionable to their respective shares and interest in the Province, to be answered by all persons in the full value of

202 Instructions taking up Lands.

money sterling, according to what we pay this side, and not in the country pay, and that Thomas Rudyard, and Thomas Warne, do pay or give satisfaction to our said Deputy Gawn Lawrie, or the Deputy Governor for the time being, over and above the said two rates before mentioned, two former rates, the one of ten pounds laid on each propriety, by an order of the twenty-ninth of June, 1683, and the other of five pounds by an order of the fourteenth of December, 1683. Also we do hereby, as far as in us lies, give our full power and authority to our Deputy Governor for the time being, to recover and receive, not only the forementioned rates, but also all such further proportions of any tax or rate as may be laid here on each propriety, according to the respective shares and interest of those residing in East Jersey, or the neighbourhood thereof, and what he shall so receive from time to time, to give credit for the same to the publick account of the Proprietors stock. Given under our hands and seal of the Province, this thirteenth day of November, 1684, and in the six and thirtieth year of King CHARLES the second, over England, &c. William Dockwra, for himself, and Proxy for the Earl of Perth, and by order of Robert Barclay, Robert Gordon, Robert Burnett, Tho. Cox, James Braine, Thomas Barker, Thomas Cooper, Clement Plumstead, Richard Mew, Tho. Hart, Walter Benthall.

The following Memorandum is said in the Record to have been indors'd on the foregoing Instrument.

Method of Appointing a Deputy Governor in Case of Death, of the one resident.

MEMORANDUM, *Whereas* there is yet no provision made, for the succession of a Deputy Governor in East Jersey, (mortality being the portion of him, as well as any other person in the Province) 'tis hereby fully agreed, concluded and ordered by the Proprietors of the said Province, that Robert Barclay, the present Governor, may at any time hereafter, conclude of two persons residing in the Province aforesaid, such as he shall think most fit and qualified for the Government, provided they be sharers in proprietaries, and write their names in two several papers, numbering them (1) (2) and sealing them with the Province seal, or his own, or both, and transmit the said two papers to the

Deputy Governor and Council, at Perth, there to safe and ready lie in case of the decease of Gawn Lawrie, or any other Deputy Governor, whereupon the Council shall meet, and first open the paper No. (1) and the person whose name is written therein shall succeed in the government, and immediately have the full power and authority of a Deputy Governor, and the paper No. (2) shall not be opened, but remain concealed in the same place as formerly, to lie ready on any further occasion : but if the person No. (1) be deceased, absent or refuse to accept of the government, then the second paper No. (2) shall be opened, and the person whose name is therein written, shall then succeed in the government, and he shall immediately have the full power and authority of a Deputy Governor ; and whether one or other person happens to succeed this endorsement, shall be as effectual in every respect to establish such person in the office of Deputy Governor, as if it were included in the body of this order, and he shall hereby to all intents, constructions and purposes, be vested with like full authority, power, and right to his office, as if he had received a commission from the Proprietors under their hands and seal of the Province, in the most ample form : the said Deputy Governor to continue in the execution of his office, so long as the major part of the Proprietors do approve of him, (or do send over their commission to some other Proprietor residing in the said Province, to be Deputy Governor) and no longer. Given under our hands and the seal of our Province, on the other side affixed, Barclay, Ro. Gorden, Burnett, Perth, Wm. Gibson, Walter Benthall, Thomas Hart, Thomas Barker, James Braine, Thomas Robinson, Willm. Dockwra, Clement Plumstead, Thomas Cox, Rich. Mew, Thomas Cooper.

Robert Barclay, Esqr. Governor, and
other the Proprietors of the Province
of East New Jersey.

To all whom this writing does or may concern, Greeting.

A Recital of
what Writings had
been sent over by
the Proprietors
and confirmation
of them.

WHEREAS the right directing and ordering the affairs of the said Province must needs go from hence, and does oblige the sending over of several commissions, instruments, orders and instructions to the Deputy Governor, and other commissioned upon the place; and that it often falls out by reason of the Proprietors being scattered in several places, remote from one another, and other exigences, that no considerable number of hands, can be got to subscribe them upon the departing of ships from hence, and that yet delay of such things upon that account, might prove of great (and almost irreparable) prejudice to the affairs of the Province: the Proprietors therefore do hereby declare, for the just encouragement of those who travel diligently for the good of the publick, and for the fixing of our authority in them, that all commissions, instruments, orders, and instructions whatsoever, and every of them that shall hereafter have the seal of the Province affixed thereunto, and the hands of five whole Proprietors, or as many having shares in propriety's as make up that value, whether sign'd in England, Scotland, or else where, shall be esteem'd authentick and binding to all intents and purposes. *Provided always,* the Governor be one that subscribes, and the value of another Proprietor in Scotland, and that William Dockwra, of London, who affixes the seal of the Province, (or who else shall hereafter keep the said seal) be another that subscribes.

And further the Governor and Proprietors, do by these presents, ratify and confirm the several and respective commissions, instruments, orders, and instructions, which are already sent, and are hereafter mentioned, to be as legally binding and effectual, according to the purport and true meaning of each of them, as if all the Proprietors hands were subscribed to the same; except where any clause or part of any commission, instrument, order, or in-

struction have been countermanded or altered by any succeeding commission, instrument, order or instruction.

The Account of such Commissions, Instruments, Orders, and Instructions follows, viz.

A Commission to Robert Barclay, Esq ; to be Governor, dated 17th of July, 83.

A Commission to Gawn Lawrie, to be Deputy Governor, dated twenty-seventh of July, 1683.

Instructions to Gawn Lawrie, dated July, 1683.

Letter or Instrument to Gawn Lawrie, and Samuel Groome, dated in London, twenty-first of September, *Anno Domini* 1683.

Instrument about the planters, and others, dated twenty-first of December, 1683.

A letter of sundry orders to Gawn Lawry, and fellow Proprietors, dated the one and twentieth day of December, *Anno Domini*, 1683.

The twenty-four Fundamental Constitutions and an Instrument concerning the power of Proxies, dated fifth of October, 1683.

An Instrument containing the conclusions of the additions and alterations of the said Fundamental Constitutions perfect to the fourth of March, 16 3-4, and repeated the seventeenth of June, 1684.

An Instrument of sundry orders, dated the second of January, *Anno Dom.* 1683-4.

An Instrument of Declaration to the planters, dated February, 1683-4.

An order about the setting out of land to small purchasers, that come to settle, &c. dated the third day of May, *Anno Domini*, 1684.

An order about building the Governors house, before the twenty-four houses, dated the seventeenth day of June, 1684.

An order for alteration of the thirteenth article of the Constitutions, dated the twenty-second day of July, *Anno Domini*, 1684.

An order to the Deputy Governor and Commissioners to have power in sundry matters, dated the first day of August, *Anno Domini*, 1684.

An order for alteration of the third article, of the Concessions, dated *primo die* August *Anno Domini*, 1684.

A Commission to George Keith, for Surveyor General signed in London, eighth of August, *Anno Domini*, 1684.

An Instrument to the deputy Governor and Commissioners for power to confirm lands, set out lands and doing other matters, dated thirteenth of November, 1684.

An order about Gibbons and Jones's lotts, dated twenty-six of March, 1685.

An order about a thousand acres of land, to William Dockwra, dated the twenty-seventh day of March, *Anno Domini*, 1685.

Lastly. The Proprietors do hereby ratify and confirm the several and respective Commissions, Instruments, Orders, and Instructions herein mentioned to be as legal and authentic by referring to them, by the respective titles, or abstracts above written, as if they were verbatim expres'd in the body of this order. In witness, whereof the Proprietors have set their hands and affixed the seal of the Province of East Jersey, this eleventh day of May, in the first year of King JAMES the Second, over England, &c. *Anno Domini*, 1685, in London. Barclay. Thomos Barker. Thomas Hart. Walter Benthall. Perth. Thomas Cox. Clement Plumstead. James Brayne. Melsorf. Tho. Robinson. Tho. Cooper. Robert Burnett. Ed. Bylling. Eliz. Gibson. Will. Dockwra. Rob. Gordon.

To the Deputy Governor of East New-Jersey, for the time being, and the Council of Proprietors there, and to all others whom this does or may concern. These.

The Governor and Proprietors of East New Jersey, to the Deputy Governor and Commissioners appointed, and to be appointed, for the setting out of Lands, and other Affairs, relating thereto in the said Province, Greeting.

WHEREAS the prosperity and advance of the said Province, doth in a great measure depend upon the speedy and easy planting of the same, and upon the due and equal setting forth of lands, that both the Proprietors themselves, and those concern'd under them, may have a ready access thereto, and all others disposed to settle in the said Province, either by purchase of lands or taking them up upon rents, may be answered without delay, and all things relating both to the one and the other may be done justly and equally, that whosoever come to possess land in the said Province, may absuredly rest in the security of their title; the Proprietors after mature deliberation having fully considered the methods used in their neighbouring Provinces, and the instructions from time to time granted heretofore, have now fully determined, that the rules after following, shall for the space of three years next ensuing, the twenty ninth day of September, next following the date hereof, and for so long after, until it shall be otherwise appointed and published, be followed, maintained and pursued in the disposal and setting out of all lands in the said Province, without any alteration whatsoever.

Instructions
concerning
Lands, with the
names of the
Commissioners.

I.

That no land be treated for or disposed of upon the Proprietors account, by sale or rent, but in open office, the Deputy Governor and Surveyor General, for the time being, and a quorum of the commissioners appointed for that end being present.

II.

That all money and other value received for land sold, and all rent whatsoever be paid to the gen-

208 Instructions Concerning Land.

eral receiver for the Proprietors use, and to no other person.

III.

That no land be sold or set to rent below the price fixt in the first printed proposals, viz. two-pence per acre, per annum, for rent, or ten pounds sterling for each hundred acres purchase, paying six-pence English for every hundred acres yearly quit-rent, the purchase money to be paid at the receipt of the patent, under the seal of the Province, and the rent to commence from the next twenty fifth day of March after the sealing of the lease: *Provided* that there be a family consisting of at least three persons, whereof two to be able working hands, upon every five hundred acres of land, within one year after the patent or lease sealed; and that no one purchaser be allowed to buy or take up upon rent, above one thousand acres in one place, but where there is any parcel of choice land that may deserve more money or rent, it is left to the aforesaid commissioners, and they viz. the Deputy Governor and commissioners abovementioned, are hereby authorized to set the value. *Provided* the sale of such be not a prejudice to the sale of adjacent lands.

IV.

That each whole Proprietor, or one having a half propriety, that is one forty eighth part of the Province, shall upon his address (or his agent or proxy for him) to the Deputy Governor or commissioners aforesaid, have a thousand acres of land set out to him, he being ready to settle thereupon a family with three able working hands at least, and every one having a less share in a propriety, shall have five hundred acres set out upon the terms aforesaid, and so be admitted to the possession of a thousand acres, or five hundred acres respectively, until the said propriety hath arrived to the number of ten thousand acres, at which time they shall stop for three years, until other Proprietors have time to come up to the like quantity with them: But after the three years is expired from the time of settlement upon the last portion of the first ten thousand acres, such as will, shall be admitted to the possession of other ten thousand acres, notwithstanding of any not having taken up their first ten thousand, provided they settle the double number of families, pro rata, that they did in the first settlement, viz. every whole or half propriety, a

family with three working hands upon each five hundred acres, and every small purchaser a family with too working hands upon two hundred and fifty acres, or too such families upon five hundred acres. And that this method may be strictly observed, it is ordered there be an exact account kept by the chief Register of all acres of land set off to each propriety, by virtue of this order or those concern'd in it, that there may be a stop made when the number of ten thousand acres is fullfill'd. *Provided always*, that whatever number of acres is or shall be taken up by any Proprietor, or those concern'd under them, or laid out for them by the surveyor, or entered into the secretary's office, before the publishing this order, shall be reckoned and apply'd to the person concern'd, towards the making up of the first division of ten thousand acres to a propriety. Also hereby the orders for land to William Dockwra, dated twenty-seventh of March, and fourteenth of May last, and the order to David Barclay, of the same date, as also the Instrument dated February, 1683-4 and third of May, 1684, in favour of small purchasers, is ratified, and the land which is appointed them by virtue of those orders, is hereby confirmed to them over and above such other land as shall be set out to the said William Dockwra, before the arrival of this order. And we further appoint, that where any of the said Proprietors shall offer to settle a family qualified as above in the second division, that is, two families with three working hands to each, they shall have five hundred acres more yielded to them, so long as the ten thousand acres of that propriety (they are concerned in) wants to be made up : and in respect that such Proprietors as take up their ten thousand acres, may sell them off entirely, and so may destroy the nature of the propriety, they shall be obliged to retain to them, their heirs and assigns, as Proprietors, such a share thereof as by the thirteenth article of the four and twentieth Fundamental Constitutions, is thereby intended to be held, as indispenceably to the Proprietorship.

V.

That in order to the regular planting of the country, the land be set out as often as it can be in plotts, or townships, according to the best methods of our neighbouring Colonies, whereof we are assured there are

good examples in Pennsylvania, and Long Island: as for instance, five or ten thousand acres in a township, to be taken up by ten or twenty families, that is five hundred acres to a family, the privilege of the great and half Proprietors excepted of having a thousand acres allowed to one family. And we do seriously recommend it to the Deputy Governor and Commissioners, and in a special manner to the General Surveyor, that such plotts may be run out, and the divisions mark'd before hand, so as to be in readiness when either the Proprietors, or other people may demand land, as we are certainly informed is done in some of our neighbouring Provinces by number, as one, two, three, four, &c. that such as come to view the place may choose the number and pay the surveyor his fees, and have access to settlement without delay.

VI.

That wherever there is a convenient plott of land lying together, containing twenty-four thousand acres, as we are inform'd will more especially be at Barnegatte, it be divided and mark'd in twenty-four parts, a thousand acres to each propriety, and the parts being made as equal as can be, for quality and situation, the first comers presently settling, is to have the choice of the divisions, and where several stand in that respect upon equal terms and time of settling, it be determined by lot. *Always provided*, the agents and proxy's of the absent Proprietors who offer to settle, be called and admitted to act for their principals, equally with those present: and that such propriety's as are in the right of minors, or widows, which as by accident may want proxy's, or be ignorant of things there, may not be prejudice, and yet such plotts may not remain unsettled, the Deputy Governor and Commissioners are allowed to let small parts in the chief places of settlement, upon the shares of such Proprietors at some small fee farm per annum to poor families, not exceeding fifty acres to a family, to secure the quantity: and if in seven years no care be taken by the parties concerned in that division or share to settle, that then any other Proprietor offering to settle upon the conditions abovementioned, may have access to possess the share (or part thereof) in such places as a part of the first or second ten thousand acres to a whole propriety: and

it is here to be minded, that in any such settlement of twenty four thousand acres, such small purchasers as have already received their full proportion of ten thousand acres, shall not pretend access thereto, but it shall be reserved for two years after surveying, ready for such concerned in that propriety who have not yet received a share of the ten thousand acres, which time being expired, those who have their full first proportion, shall have access thereto, as part of the said ten thousand acres upon the terms of settling more as above.

And whereas for defraying of necessary publick charges there has been several rates laid as a tax upon each propriety at sundry times, viz. Ten pounds on each propriety, (and so *pro rata*) upon the twenty ninth of June, 1683, five pounds, on the eighth of January 1683. Five pounds the twenty ninth of July, 1684. Ten pounds on the twenty fourth of October, 1684. And ten pounds on the twelfth of June, 1685. It is hereby declared to be the true intent and meaning of this order, that no land upon the first and second division shall be laid out to, or possessed by any proprietor or sharer in a propriety, until he hath first paid such full arrear of tax, as hath been or shall be from time to time laid upon his propriety, or share, for necessary publick charges ; but such non-payment of arrears, shall be a sufficient barr and exclusion to such person or persons from having any land set out to him or them, until he or they have fully paid and satisfied what he or they owe to the publick stock as aforesaid.

VII.

Wherever there is an extraordinary choice spot of land so esteemed by the Surveyor General, or any two of the commissioners either for the excellency of soil, or advantage of situation, it shall be reserved for the joint interest of all the Proprietors and cast in equal division, or if it be such as for the smallness of it (or any other reason) cannot be so ordered, it shall not be meddled with until the plurality of the Proprietors are advised thereof, that by them it may be determined whether after a value be put upon it, as one acre, esteemed with four or more, it shall go to such as will allow most to the rest for it ; or where they will not do so after the value set, it shall be determined by lot, and as this should have been done

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in the notable case of Changoroza, by Gawen Lawrie, and Thomas Rudyard, so it is hereby declared by the Governor and Proprietors, that they will not let that land there, which they have taken to themselves and caused to be set out to them go otherwise, therefore for that thousand acres, taken up so much upon the water side, by Gawen Lawrie, for himself, and sold to Captain Palmer, there shall be three thousand acres discounted to him of the five thousand to be allowed him in the first division for his half propriety, and for the thousand acres which Thomas Rudyard has gotten at Changoroza, because his part is better there, shall be discounted to him four thousand of the ten thousand acres to be allowed him for his propriety in the first division. And to evidence that we do in this as we would be done by, we are content to accept of it, severally of us jointly, or some of us a part upon the same terms: And it is hereby declared that if these terms are not presently accepted, that we will as hereby we do reclaim, all the said land upon Changoraza, or such thousand acres of him that does not comply as being unjustly obtained and passed against our positive orders to the contrary; and do hereby discharge all persons from meddling therewith, or settling thereupon, as they will be answerable at their peril.

And that there may be hereafter no mistake of this kind, neither with respect to this, or any thing of the like nature in the setting out of lands to the Proprietors and others, and that all persons may proceed upon firm and good grounds, and every person that purchaces or rents lands, may be fully informed, we hereby appoint this order to be first read in Council, and then published thro' the Province, and that a true copy be set up at the town house, in Perth, and one copy sent to each county court next sitting, (after arrival hereof) to be first read there in open court, and afterwards set up in each court house, or such convenient place where it may be read, so as to render it most publick to inform all persons whatsoever that are or may be concerned in the same.

Commission-
ers for the Busi-
ness of Lands.

Lastly. That every one may know the names of the commissioners, concerned in the business of lands, we do hereby nominate, authorize and appoint

the Deputy Governor for the time being, David Barclay as proxy for Rob. Barclay, Governor, Captain John Berry, as proxy for William Penn, Gawen Lawrie, as proxy for William Dockwra, John Campbell, proxy for John Lord Viscount Melford, Robt. Fullerton, and Thomas Fullerton, David Mudy, and James Johnston, proxy for Thomas Hart, Thomas Barker, Clement Plumstead and Tho. Cox, and George Willocks, proxy for Rob. Gordon, also Thomas Warne, David Barclay, and Thomas Gordon, all sharers in propriety's, to be our aforementioned commissioners, together with all other Proprietors, as shall hereafter come and live upon the place, and such other proxy's as we and any Proprietor shall make hereafter, to whom we grant our full power and authority to act according to the tenor of the premises, agreeing and ordering that any five of them shall be a quorum, and the major part present to determine. Given in London, under our hands and seal of the Province of East New Jersey, this third day of July, in the first year of the reign of King JAMES the Second, over England, &c. *Anno Domini* 1685. Barclay, Clement Plumstead, Thomas Hart, Thomas Barker, Thomas Cox, Walter Benthall, Thomas Cooper. Eliz. Gibson, Melsorf, Ed. Bylling, Robt. Gordon, Rob. Burnett, Perth, Tarbutt, William Penn, Blackwood, Willm. Dockwra, James Braine.

Proprietors to George Willocks. A power to receive Quit-Rents, also to sell them under certain restrictions.

THIS indenture made the first day of December, in the 9th year of the reign of our Sovereign Lord WILLIAM the third, of England, &c. King, *Anno Domini* 1697. Between William Penn, Thomas Hart, Thomas Baker, Walter Benthall, Joseph Ornston, Joseph Wright, Peter Sonmans, William Dockwra, Thomas Cooper, Clement Plumstead, David Lyell, Archabald Campbel, Esq; Walter Riddel, Sir Thomas Lane, Paul Dockminique, Robert Mitchel, John Bridges, and Thomas Skinner, being a quorum of the committee impowered by the society or reputed company of West New Jersey, to transact all the affairs of the said society, testified by the common seal hereunto annexed; Thomas Foulerton, John Burnet attorney for Robert Burnet, Joseph Ornston attorney for Charles Ornston, Francis Hancock, Thomas Gordon for himself, and attorney for Dr. John Gordon and George Alexander, Gilbert Molleson for himself, and attorney for Robert Barclay, William Bingley attorney for Anthony Sharp, William Bingley for himself; Proprietors of the Province of East New Jersey in America, of the one part, and George Willocks, of the said Province of East New Jersey, gent. of the other part. WHEREAS the said Proprietors are seized of and entitled to many quit-rents reserved upon grants and patents of lands within the said Province, made by themselves and others, former Proprietors of the said Province, and are likewise entitled to great arrears of the said rents incurred and grown due for several years last past, more or less. *And whereas* the said Proprietors have taken a resolution to gather in the said arrears, and in order to gratify the planters and landholders, are intended to sell their quit-rents to such of the said planters or landholders who are desirous to purchase the same, and who owe no arrears of rents, or will first pay and discharge such arrears. Now witness these presents, that the said Proprietors abovesaid for the better putting their said intentions in execution have constituted, authorized, impowered and appointed, and by these presents do and every of them doth constitute, authorize, impower and appoint the said George Willocks, to be their true and lawful attorney, for and in the names of the said Proprietors to adjust, ask, demand, but if sued for, then at their own cost and charge to recover and receive with, of, and from all and every the respective planters, ten-

ants or holders of lands, tenements, and hereditaments within the said Province, all such arrears of quit-rents, and or other rents, as now are or on the 25th of March, now next ensuing, shall be due and owing to the said Proprietors; and on payment thereof, or any part thereof, to sign, seal and execute any proper receipts and discharges for what he shall so receive, either in his own name, or in the names of the said Proprietors, but for their use: And upon non payment or refusal of payment thereof, to destrain or bring actions for the same as he shall think fit, and to proceed upon such distresses or actions in due course of law, either to sale of the said distresses or to tryal, judgment and execution, and to acknowledge satisfaction upon record of all such money's as he shall recover and receive in any such suits; all which distresses, proceedings, receipts and discharges the said Proprietors, shall and will allow, justify and maintain. And the said Proprietors and every of them, do hereby likewise constitute, authorize, impower and appoint the said George Willocks, their true and lawful attorney and commissioner, to treat and contract with all, every and any of the said planters, tenants and holders of lands, tenements, and hereditaments within the said Province, for their respective quit-rents and other rents, according and pursuant to the directions and instructions hereunder written; and from and after such and so many contracts made according and pursuant to the said instructions, and payment of, or sufficient security taken for the purchase money, to sign, seal, and deliver in the names and as the acts and deeds of the said Proprietors, any proper and legal assurances and conveyances and releases to the respective purchasers, for granting the said quit-rents, and other rents as by the said respective purchasers or their Council shall be reasonably devised and required: All which assurances, conveyances and releases, the said Proprietors do by these presents, and shall and will upon request by any other subsequent assurances, conveyances, and releases, ratify and confirm. And the said Proprietors do hereby direct the said George Willocks, from time to time, to pay all such money as he shall receive in specie, either for arrears of rent, or for sale thereof, to such person whom the said Proprietors, or Thomas Hart, Walter Benthall, Thomas Barker, and Joseph Ornston, or the survivor of them, shall appoint receiver thereof, and also

to take all securities which he shall take for any purchase monies, upon such sales, in the name of such receiver, and to deliver the same securities to such receiver in trust for the said Proprietors: And the said Proprietors for themselves, their heirs, executors, administrators, and assigns, do hereby covenant and grant to and with the said George Willocks, his executors, and administrators that he the said George Willocks his executors, administrators, shall and may have and receive as a recompence for his care and pains, in making such sale of the said rents as aforesaid, five pounds per cent, (or for every hundred pounds) of all the ready money, which shall be so raised by the sales he shall make of any such rents; and shall also have and receive to his and their own use from the said receiver, an assignment of such and so many of the security's to be taken for any purchase money upon such sales made by the said George Willocks, to be chosen by the said George Willocks, his executors and administrators, as shall amount to the rate or value of five pounds per cent, (or for every hundred pounds) intended to be secured by all the said securities, and that the said Proprietors shall and will direct the receiver to pay and assign the said recompence to the said George Willocks, his executors and administrators accordingly; and that the said Proprietors their heirs, executors, administrators, and assigns, shall and will ratify and confirm whatsoever the said George Willocks shall do by virtue of the authorities, and in pursuance of the instructions hereby given him; and shall and will indemnify him, his heirs, executors and administrators, from all such expences, losses and damages, which he, they, or any of them, shall or may sustain, suffer, or be put unto, for or by any reason of any non performance of the premisses by the said Proprietors: And the said George Willocks, for himself, his heirs, executors, and administrators, doth covenant and agree, to and with the said Proprietors, their heirs, executors and administrators, that he the said George Willocks, shall and will truly and faithfully pursue the instructions hereunder written, and perform the trust hereby reposed in him, according to the best of his judgment, and the true intent and meaning of these presents. And these presents further witness, that for preventing any obstructions that may happen in the receipt or recovery of the said arrears of rent or sale thereof, in case of the

death or absence of the said George Willocks, the said Proprietors do hereby constitute, authorize, impower and appoint John Reid of the said Province of East New Jersey, Gent. their true and lawful attorney, from and after the death of the said George Willocks, or absence three months from the said Province, or embarking for Europe, to execute all and every the powers and authorities herein before granted to the said George Willocks, conform to the said directions and instructions hereunder written: And do hereby grant unto the said John Reid, the like recompence for his care and pains to be taken therein as are before granted to the said George Willocks, and shall and will avow, justify, and maintaing whatsoever the said John Reid, shall do in and about the premises, pursuant to such authorities and instructions. *In witness* whereof the said parties to these presents, have interchangeably set their hands and seals, and the said Proprietors have likewise set the seal of the said Province, the day and year first above written. Province seal. A. Campbell, seal. Thomas Barker, seal. Walter Benthall, seal. Joseph Wright, junr. seal. Walter Riddle, seal. Joseph Ornston, seal. David Lyel, seal. Thomas Gordon, seal. Joseph Ornston, attorney for Frances Hancock, widow of Arent Sonmans seal. Joseph Ornston, for Charles Ornston, seal. William Dockwra, seal. Thomas Cooper, seal. Thomas Fullerton, seal. Clement Plumstead, seal. Peter Sonmans, seal. Thomas Hart, seal. John Burnett, for my father Robert Burnet, seal. Gilbert Molleson, attorney for Robert Barclay, seal. Thomas Gordon, attorney for Dr. John Gordon, seal. Thomas Gordon, attorney for Mr. George Alexander, seal. William Bingley, attorney for Anthony Sharpe, seal. William Bingley, seal. Gilbert Molleson, seal.

DIRECTIONS and instructions from the Proprietors of East New Jersey, in America, to be observed by George Willocks, before, in and after the sale of the quit-rents, and other rents, due and belonging to the said Proprietors, in pursuance of the authorities given him by the deed, to which these directions and instructions relate, which are above written. First within fourteen days after your arrival in the said Province, you are to cause our declaration now sent with you, to be published for the information of the planters, and land-

Instructions to
George Willocks
in executing the
foregoing Power

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holders of our intentions to sell our quit-rents, and you are to cause these instructions, and the deed under which they are written, to be duly registered among the records of the said Province. Secondly, You are not to sell any rents unto any person or persons, until he or they have paid all arrears of rents, due for the lands, out of which those rents are reserved, or issue. Thirdly, You are not to sell any rents at a less price than twenty years purchase, of the full yearly value of those rents, and not to reserve less than one half-penny per annum, annual rent upon every landholder, to whom you sell off his quit-rents. Fourthly. You are not to execute any grant, conveyance or release of any rent or rents, until you have made contracts for at least one hundred thirty three pounds sterling, yearly value of the said quit-rents; and therefore in all contracts you are to take care to insert, a clause for making void your contracts, unless you can sell the value abovementioned, of the said rents before the first day of April, 1699. Fifthly. Upon the payment of any money's to our receiver, according to our directions in the deed above written, you are to take from him a note, acknowledging his receipt thereof for the use of the Proprietors of East New Jersey aforesaid: And upon the delivery to such receiver of any securities for money, which you shall take in his name, you are to take from him a declaration under his hand and seal, that such securities are taken in his name, in trust for the said Proprietors: which said notes and declarations of trust, you shall from time to time, deliver to the Secretary and Register of the said Province, or his deputy to be safely kept among the records of the Province. Sixthly. After the sale of the value of one hundred thirty three pounds per annum, or more of the said rents, you are to take from the register book of the said Province, a true and exact list or certificate to be sign'd by the Deputy, Secretary, and Register, of the names of the Proprietors, and sharers in proprieties of the said Province, and of their respective proportions therein, as they are entered in the said books, and in one column of the said list, you are to set down the proportion of purchase money, raised and secured by such sale, which every Proprietor, or share in proprieties, are intitled to, and then you are to deliver the said list or certificate to such person as we shall appoint to be

our receiver of the said money and securities. *Seventhly.* You are to use your utmost endeavor to procure an act of the General Assembly, to be passed for confirming to the purchasers of the said rents, their respective purchases, and for indemnifying them, from the demands of any Proprietors, or sharers in proprieties, who are no parties, executing the said deed above written, or who may descent to such sale ; as also for the securing of the money to be paid to such persons aforesaid, according to their respective shares and portions, for which end instructions shall be sent to our Governor of the said Province, for assenting to such law. A. Campbell, seal. Thomas Barker, seal. Walter Benthall, seal. Joseph Wright junr. seal. Walter Riddle, seal. Joseph Ornston, seal. David Lyell, seal. Thomas Gordon, seal. Joseph Ornston, attorney for Frances Hancock, widow of Arent Sonmans, seal. Joseph Ornston, for Charles Ornston, seal. William Dockwra, seal. Thomas Cooper, seal. Thomas Hart, seal. Peter Sonmans, seal. John Burnett, seal, for my father Robert Burnett. Thomas Foulerton, seal. Clement Plumstead, seal. Gilbert Molleson, seal. Gilbert Molteson attorney for Robert Barclay, seal. Thomas Gordon, attorney for doctor John Gordon, Thomas Gordon, attorney for Mr. George Alexander, seal. William Bingley, seal, William Bingley, attorney for Anthony Sharpe, seal. Thomas Lane, Paul Dockminique, John Bridges, Thomas Skinner, Robert Mitchall. West Jersey seal.

Memorandum, the publick seal of the Province of West New Jersey, was affixed to this writing by Sir Thomas Lane, Knt. Paul Dockminique, Esq ; John Bridges, Thomas Skinner, Esq ; Robert Mitchell merchant, (the persons impowered by the society of West New Jersey) to strengthen and confirm the particular act and deed of the above named persons, and to no other intent or purpose whatsoever. Thomas Lane, Paul Dockminique, John Moore, William Hammond, Francis Minshull, Obadiah Burnett, John Bridges being a committee of the West New Jersey Society.

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LONDON, 14th April, 1698.

Further Orders and Instructions to Jeremiah Basse, Esquire, Governor of the Province of East New Jersey, in America, sent from London, by the Committee of the Proprietors there to be observed by the said Governor, viz.

IMPRIMIS, you are not to call a General Assembly of the said Province, until at least two months be past, after the receipt of these orders and instructions, but after the expiration of the said time, they meet with all convenient speed.

II.

WHEREAS George Willocks, our fellow Proprietor, is appointed our agent or commissioner for selling our quit-rents, and recovering and collecting the arrears of the same as by his article and instructions more at large appears, to which we referr you. You are to give him all possible assistance therein, and in every thing else, wherein he is employed in the Proprietors concern, pursuant to their agreement with and instructions to him.

III.

That after the sale of at least, one half of the value of the quit-rents, then at the General Assembly's desire you consent to a law, for securing the tittle to all purchasers of quit-rents, against all such Proprietors, or sharers in proprieties, as have not, or shall not have signed the commission or articles and instructions to George Willocks. As also the said law do make provision for securing the purchase money, to such persons according to their respective interest and shares each one has in proprieties.

IV.

You are to use your endeavour to oblige the General Assembly to raise a grateful sum of money, to be remitted to London, towards some ease of the great charge these Proprietors have paid, and the great trouble and ex-

pence of time, which they have been at in struggling many years for the freedom of the port of Perth Amboy, for navigation and trade, which is now obtained at last, free from the encroachments and pretensions of any neighbouring colony, the benefits and advantages whereof will chiefly redound to the inhabitants of the said Province.

V.

You are also to endeavor to get a law passed by the Representatives of the General Assembly for establishing a good lasting fund, for support of the charge of the government.

VI.

That upon the peoples purchasing at least one half of the value of the quit-rents, and the purchasers paying all their arrears in ready money, as also upon the establishment of a sufficient fund for the support of the government, to be done by the representatives of the people of the said Province in a General Assembly; you then consent to a law (at their desire) to grant them the privileges following, (viz) That annually on a certain day, a General Assembly shall be called by you to meet and sit at the principal town of Perth Amboy, in the said Province, and that the said Representatives have liberty to name double the number of persons to serve as justices of the peace necessary for each county, and shall present their names in writing to you the Governor, out of which you are to chuse half the said number, which shall be commissioned by you to serve as justices of the peace, in the respective counties of the said Province: And the like privileges of naming double the number of coroners and captains, and other inferior officers of the militia, for military service in the Province, you the Governor to chuse one half out of them, and grant them commissions accordingly: which justices of the peace, coroners and military so commissioned by you, are to continue in their respective offices at least for one year, unless found guilty of maleversation in his or their respective office, and may be continued for any longer time, without new nomination, unless you the Governor shall require the Representatives in General Assembly as aforesaid to make a new nomination; but it is to be understood, that all the members of the Provincial Council, shall be first commissioned

for justices of the peace from time to time within the said Province. Nevertheless if the major part in number of persons, or value of quit-rents, in any town or county, refuse to pay their arrears, and purchase their quit-rents, such town or county shall have none of the said priviledges granted them, but such officers and justices shall be appointed to be over them and commissioned as was formerly accustomed by you the Governor only. *Provided always*, that a clause be inserted, if such law be passed for priviledge to the representatives for nomination of double the number of officers, as abovementioned, that such priviledges shall continue and be in force no longer time than the General Assembly do continue a sufficient fund to maintain and support the charge of the government.

VII.

That you do not consent to a law for imposing or asserting the yearly, quarterly, or any other sallary, tax, or allowance for the maintainance of any sort of preachers or ministers of whatsoever perswasion they be of in matters of religion.

VIII.

That you do not consent unto any law, that may lay any tax or imposition whatsoever, upon any of the uncultivated land in the said Province.

IX.

That you endeavour to get an act of Assembly passed for recording all deeds, grants, and conveyances of lands, tenements, and hereditaments, within the said Province in the publick general register in the Secretary's office, for the better security of posterity, and the greater satisfaction to all purchasers, when all such titles, as well those heretofore, as those that come after, shall appear upon publick record.

X.

That you lay before the Assembly the great advantage that will redound to the trade of the Province in general, to cause the publick road to pass through the port town of Perth Amboy, from New York, &c. to West Jersey, and Pennsylvania, to which good end, that you endeavour to get an act passed to lay a tax on the country, to bear the charge of a work tending so much to the publick benefit of the Province.

XI.

That you consent to pass a law or act of Assembly that no attorney or other person be suffered to practice or plead for fee or hire, in any court of judicature, in any suit or cause or process in law whatsoever, but such as are admitted to practice by licence of the Governor of the Province for the time being.

XII.

That you cause all the laws already made in the Province to be effectually put in execution, or that new acts be pass'd to confirm or enforce the same.

XIII.

You are to cause copies of all the laws of the said Province, that shall be made hereafter, to be transmitted to the committee of proprietor in London, by the next ships bound for England, from time to time.

XIV.

You are cause these instructions to be entered upon the publick records of the Province. Seal.

A. Campbell. Thomas Hart. Thomas Fullerton. Thomas Barker. Walter Riddle, David Lyel. John Burnett, for my father Robert Burnett. Joseph Ornston. Walter Benthall. Thomas Gordon. William Bingley, for my self, and Anthony Sharp. Thomas Cooper. Clement Plumstead. William Dockwra, Secretary and Register.

The foregoing copies are examined with the records.



L A W S

P A S S E D

UNDER THE

G O V E R N M E N T

OF THE

Twenty Four

P R O P R I E T O R S ,

B E T W E E N

1682, and 1702.



At a General Assembly, began and holden at Elizabeth Town, in this Province of East New Jersey, the first day of the Month called March, Anno Domini, 1682, and in the Five and Thirtieth Year of the Reign of King Charles the Second, over England, &c. and there continued by Several Adjournments thereof, until the Twenty Eighth day of the said Month of March, for the Public Weale of this Province, was Enacted as follows.

Chap. I.

A Bill to make void the Proceedings of some late Courts.

WHEREAS by the General Concessions of this Province, bearing date the tenth day of January, *Anno Domini* 1664, no courts are to be constituted or erected in this Province, but by act of General Assembly, and whereas several courts have been constituted and erected (without any act of General Assembly) since the second day of November, *Anno Domini*, 1681, to the manifest infringement of the liberties of the inhabitants of this Province. *Be it therefore enacted* by the Governor, Council and Deputies in General Assembly met and assembled, and by and with the authority of the same, that all and every such court and courts so made and constituted since the second day of November, 1681, and all proceedings, judgments, sentences, and executions, had or made in

such court or courts, are hereby declared illegal, null and void in law to all intents and purposes.

II.

An Act to Appoint Sheriffs.

FORASMUCH as there is a necessity of a High Sheriff, in every county in this Province. BE IT THEREFORE ENACTED by the Governor Council and Deputies in General Assembly met and assembled, that there be yearly a Sheriff constituted and commissioned for each county, and that each Sheriff, may have his under Sheriff or Deputy.

III.

An Act to disable Vicars and Greenland from Office.

WHEREAS there hath been divers misdemeanors and arbitrary actions committed by Captain Robert Vicars, and Captain Henry Greenland, as by their being instrumental in dissolving the Assembly, 1681, to the prejudice of the public business of this Province, and since by keeping courts by special commission from the late Governor, contrary to Concessions, and because we conceive the present Proprietors are desirous there may be a peaceable and amicable agreement at the first entrance upon their government of this Province. We the representatives of the inhabitants thereof, being of a peaceable disposition and inclination, and yet desirous in some measure to stop the grievous complaints already in this Province, and to prevent the like grievances for the future, do pray that it may be enacted. *And be it enacted* by this General Assembly, that the said Robert Vicars, and Henry Greenland, are hereby made and declared incapable of bearing any office or charge of publick trust in this Province, or of serving as members of Council or House of Deputies without the consent of the General Assembly.

IV.

An Act to divide the Province into four Counties.

HAVING taken into consideration the necessity of dividing the Province into respective counties, for the better governing and settling courts in the same, *Be it enacted* by this General Assembly, and the authority thereof, that this Province be divided into four counties as followeth. Bergen county to contain all the settlements between Hudsons river and Hackinsack river, beginning at Constables Hook, and so to extend to the uppermost bound of the Province northward between the said rivers.

Essex, and the county thereof, to contain all the settlements between the west side of Hackinsack river, and the parting line between Woodbridge and Elizabeth Town, and so to extend westward and northward, to the utmost bounds of the Province.

Middlesex county, to begin from the parting line, between Essex county and Woodbridge line, containing Woodbridge and Piscataway, and all the plantations on both sides the Rariton river, as far as Chesquake Harbour eastward, extending south-west to the division line of the Province, and north-west to the utmost bounds of the Province.

Monmouth county, to begin at the westward bounds of Middlesex county, containing Middletown and Shrewsbury, and to extend westward, southward, and northward to the extream bounds of the Province. Provided this distinction of the Province into counties, do not extend to the infringement of any liberty in any charter already granted.

V.

An Act to erect a Court of Small Causes.

FOR the more orderly hearing and determining all matters and cases of controversy between party and party, and for the due execution of the laws. *Be*

it enacted by the Governor, Council, and Deputies in General Assembly met and assembled, and by the authority of the same, that in every town in and throughout this Province of East New Jersey, there be one court held monthly, and every month throughout the year, on the first Wednesday of the month, for the determining of small causes and cases of debt to the value of forty shillings, or under ; which causes and cases shall be heard, tryed and determined by three persons without a jury : the process or warning to this court, shall be a summons under the hand of a messenger belonging to the said court, which being personally served by him, or left at the defendants house, four days before the court, shall be sufficient authority to and for the members of the said court to proceed on such cases or causes, and determine the same in the defendants absence, if the members of the court see not cause to the contrary, and to grant execution thereon against the defendants person, and for want thereof, his estate, which the messenger shall and may serve. *Be it further enacted*, that plaintiff or defendant desiring a jury it shall be allowed, but at the proper costs and charges of the person desiring the same. *Be it further enacted*, that this act or any thing therein contain'd, shall not infringe the liberty or priviledge of any grant or charter already granted.

Chap. VI.

An Act to erect County Courts.

BE IT ENACTED by this General Assembly, and the authority thereof, that from henceforth there shall be held and kept in every county within this Province, courts of sessions, or county courts, yearly and every year, for the hearing, trying and determining of all causes and cases there brought and commenced, as well cases and causes criminal, and cases and causes civil, between party and party, which cases and causes shall be tryed by the verdict of twelve men of the neighbourhood within the county, where the fact shall arise or grow, whether the same be by indictment, information, declaration, or otherwise, against the person, offender or defendant ; and that the judge or justices of the respective sessions of county courts, shall be the justices of the peace of every the said respective counties,

or three of them at the least. To which court shall belong, one Clerk of the Sessions, or Clerk of the Peace, to draw, enter, and keep the records of indictments, informations, declarations, pleas, judgments and proceedings, there to be had and made, and one Marshal or Cryer of the court, to call the jurors and proclaim the commands and orders of court for the regular procedure in the said respective courts: All process and summons of persons to appear and execute the judgments and executions of this court, shall be directed to the sheriff of the county, and executed by him, or his under sheriff or deputy, which said several and respective County Courts, or Courts of Sessions, shall be held yearly in the respective time and places herein after following and express'd, (that is to say) for the county of Bergen, the Sessions to be the first Tuesday of March, yearly in the publick meeting place; the first Tuesday in June, in the publick meeting place; the first Tuesday in September, in the publick meeting place; the first Tuesday in December, in the public meeting place. The county of Essex Sessions, to be the second Tuesday in March yearly, in the publick meeting house of Elizabeth Town; and the second Tuesday in June, in the publick meeting house in Newark. The second Tuesday in September, in the publick meeting house in Elizabeth Town. And the second Tuesday in December, at the publick meeting house in Newark. The county of Middlesex, their Sessions to be the third Tuesday in March yearly, in the publick meeting house, in Woodbridge. The third Tuesday in June, in the publick meeting house in Piscataway. The third Tuesday in September, in the publick meeting house at Woodbridge. And the third Tuesday in December, in the publick meeting house, at Piscataway. The county of Monmouth, their sessions to be the fourth Tuesday in March, in the publick meeting house at Middletown yearly. The fourth Tuesday in June, in the publick meeting house, at Shrewsbury yearly. The fourth Tuesday in September, in the publick meeting house in Middletown. And the fourth Tuesday in December, at the publick meeting house in Shrewsbury. *Be it further enacted* by the authority aforesaid, that this distinction of counties and settlement of County Courts, shall no wise infringe, nor intrench upon the liberties or privileges of any grant or charter already granted, any

thing in this act, or any other to the contrary notwithstanding. *Be it enacted* by this General Assembly, that all process and summons to the County Court, shall be served six days before the first day of the sessions.

Chap. VII.

A Bill to settle the Court of Common Right.

Altered and amended in some Things, by an Act in 1686, and by another Act in 1694.

THAT there may be no defect of justice in this Province, but that every the inhabitants thereof may have and enjoy all proper and just ways and means to recover and have their just rights within the same, according to law. *Be it enacted* by the Governor, Council and Deputies in General Assembly, met and assembled, that there shall be within the said Province, one court, called the Court of Common Right; which said court shall have power and jurisdiction, to hear, try and determine all matters, causes and cases, capital, criminal, or civil causes of equity, and causes tryable at common law; in and to which said court, all and every person and persons whatsoever, shall and may, if they see meet, remove any action or suit, the debts or damages laid in such actions or suits, being five pounds or upwards, and shall or may by warrant, writ of error or certioraria, remove out of any inferior court, any indictment, information, or judgment, there had or depending; and may correct errors in judgement, and reverse the same, if there be just cause for the same; which said court shall be the Supream Court of this Province; which court shall consist of twelve members, or six at the least. This Court of Common Right, shall sit and hold court four terms in the year, viz. the second Tuesday in May. The second Tuesday in August. The second Tuesday in November. And the second Tuesday in February. And the said court shall have power and authority, as they see meet in their discretion, to adjourn themselves from day to day, at or after any of the said days of sessions above express'd, for dispatch of matters and business before them. *Provided always, and be it enacted* by the authority aforesaid, that no

persons right or property shall be by this court determined, excepting where matters of fact is either acknowledged by the parties condemned or judgment be acknowledged or past by the defendants fault, for want of plea or answer, unless the fact be found by the verdict of twelve men of the neighbourhood, as it ought of right to be done by the common law. *And be it enacted* by the authority aforesaid, that this court shall be held at Elizabeth Town, within the county of Essex, in which said court shall be a clerk to draw up, issue forth, and enter and keep the publick process and records thereof. *And be it further enacted* by the authority aforesaid, that all warrants, writs, process, arrests, and attachments shall be issued out, in the name of the King of England. And the members of the said court for the time being, shall settle and fix the fees to be paid by all suitors, plaintiffs, prosecutors and defendants in this court; but the Governor and Council for the time being, placing all necessary officers therein, for the due prosecution and execution of all causes and cases thereto be had and depending according to the Concessions. *And be it further enacted* by the authority aforesaid, that this act with all and every clause and sentence therein, shall be in force until it be altered or otherwise enacted by the General Assembly. *Be it enacted* by the authority aforesaid, that it is in the power of the General Assembly, to remove the said court of Common Right from place to place, as in their judgments shall be most convenient for the inhabitants of this Province.

Chap. VIII.

A Bill for the General Laws of the Province of East New Jersey.

FOR the better establishing the government of this Province, and that justice and right may be equally done and distributed to all persons within the same, *be it enacted* by the Governor, Council and Deputies in General Assembly met and assembled, and by the authority of the same, in manner and form following (that is to say) I. Whoever shall feloniously kill

any man, woman or child, shall surely be put to death: Chance medley, and defence of a man's self, shall have the like justice as by the common law in England. II. If any man's ox, or beast, gore or hurt a man, that he die, the ox or beast shall be forfeited to the nearest relation to the deceased; but if the ox or beast, were wont to push or hurt, and if the same hath been testified to his owner, and he hath not kept him in, but that he hath kill'd a man, or woman, the ox or beast shall be forfeited as above, and the owner fined by the judges. III. If a man shall open or dig a pit in any land lying without sufficient fence, and not cover it, and an ox or beast shall fall therein, the owner of the pit shall make it good in money or kine, and the ox or beast shall be his: And if one man's ox or beast hurt another that it dye, then they shall sell the live ox or beast, and divide the money, and also the dead beast; but if it be known that the ox or beast hath been used in time past to push, and his owner hath not kept him in, he shall surely pay beast for beast, and the dead shall be his own. If a man shall steal ox, sheep, horse or other beast, and kill it, or sell it, he shall restore five fold for the same in kine or to the value thereof. IV. If a thief, be found breaking into any house or forceably stealing any beast, goods or chattles, and be smitten in the fact that he die, there shall be no blood shed for him, if the sun be risen upon him there shall be no inquisition for blood, for he should make full restitution, if he hath nothing, then he shall be sold for his theft, if the theft be found in his hands alive, whatever it be, he shall restore double the value of it. V. If a man shall put his beast into another man's field, or feed another man's field of the beast of his own field, he shall make full restitution. He that carelessly kindleth a fire which shall burn any house, barn, corn, hay, or other thing, shall make full restitution to the party wrong'd or damaged. VI. If any man deliver ought to his neighbor, and it be stolen out of his house, or field, if the thief be found, he shall pay double, but if not found, the case shall be left to the judges, to determine and do justice according to their judgment. VII. If a man borrow ought of his neighbour, and it be hurt or die, the owner thereof being not with it, the borrower shall make it good, but if the owner be with

it, he shall not make it good, if it be an hired thing, it came for his hire. VIII. If a single man entice a maid that is not betrothed, he shall surely marry her, and take her to his wife, if her father, or master, utterly refuse to give her, he shall pay according to the judgment of the judges. IX. Whoever shall lie with a beast shall be put to death. X. Whoever shall afflict the widow or fatherless, shall be punished by the judges according to the nature of the transgression. XI. That in all courts, all persons of all persuasions, may freely appear in their own way, and according to their own manner, and their personally plead their own cause, if unable, by their friends or attorneys. XII. All process and proceedings on all courts of record within this Province, shall be as short as the case will bear, and in English. XIII. All tryals shall be by the verdict of twelve men, and as near as may be, peers or equals, and of the neighbourhood where the fact arises. In cases capital or criminal, there shall be a grand inquest who shall first present the offence, and then twelve men of the neighbourhood to try the offender after his plea to the indictment, reasonable challenges shall be allowed to every person offender. XIV. Fees in all courts shall be moderate, and hung up in tables in every court, and whoever shall be found guilty of extortion, shall be punished by the judges. XV. That in every county there shall be a common gaol, which shall be for fellows, vagrants, and idle persons, and safely to keep all persons committed to gaol for debt, before or after judgment. XVI. That all persons arrested shall beailable by sufficient sureties, unless for capital offences, where the proof is evident or presumption great. XVII. That no court or courts within this Province, hath or shall have any jurisdiction, power or authority to grant out any execution, or other writ, whereby any man's land may be sold without the owners consent. *Always provided*, that the issues and profits of any man's land, shall or may be extended by execution or otherwise to satisfy just debts, any thing to the contrary thereof in any wise notwithstanding. XVIII. The estates of murderers, after debts paid, shall go one third part to the next of kin to the sufferer, and the remainder to the next of kinn to the criminal. XIX. That no estate of a feme covert shall

Feme Coverts.

be sold or conveyed but by deed acknowledged by her in the court of common right, the woman being secretly examined, if she do it freely without threats or compulsions of her husband. XX. That all wills in writing, attested

Wills how

prov'd, &c.

by two credible witnesses, shall be of the same force to convey lands, as other conveyance being registered in the Secretaries office within this Province, within forty days after the testators death. XXI. That all bribery's and extortions shall be severely punished. XXII. That all fines shall be moderate, answerable to the offence and ability

Marriages.

of the offender. XXIII. That all marriages (not forbidden by the law of God) shall be lawful, parents or guardians shall be first consulted, and consenting thereto, and the intenton of marriage shall be published at least three weeks before it be solemnized by taking one another as man and wife, the publication shall be entered and registered by the clerk of the Assembly, or public place where it shall be published, and the solemnization shall be performed by and before some justice of the peace or other magistrate within the Province, unless the justices of the peace or magistrate refuse to be present, and the certificate thereof entered in the register of the town and county where it is finished. XXIV. All defacers or corrupters of charters, gifts, grants, bonds, bills, wills, contracts, and conveyances, or that shall deface or falsify any enrolment, registry or record, shall make double satisfaction to the party injured, and be fined by the judges. XXV. That no white servant, whether male or female, if seventeen years of age, when bound or bought, shall serve above four years from the time of their arrival here, and then be free; and if they be under seventeen years of age, not to serve till they are above one and twenty years, and then to be free, except they have indentures before their arrival; but if such servants after the expiration of his or their respective service, will make any new agreement for further service, the same shall be by indenture, and before a magistrate acknowledged and entered; and no white servant shall be sold or transported against his or their consent to any place out of this Province; and at the expiration of his or their service, his or their master, mistress, or agents, shall furnish the aforesaid servant, or servants, and each of them respectively, with two suits of

apparel, suitable for a servant, one good falling ax, a good hoe, and seven bushels of good Indian corn. If a man or woman, maim, or smite the eye of his or their man or maid servant, being a white servant, so that it perish, or smite out the tooth of his or their man or maid servant, such servant shall go free: if master or mistress, or agent to such, immoderately correct their servants, they shall be punished for the same by the next sessions of the county court, where the fact arises or doth appear. XXVI. That all masters and mistresses having negro slaves, or others, shall allow them sufficient accommodation of victuals and cloathing. XXVII. That all witnesses, coming or called Witness, form of their Oath, or promise. to testify their knowledge, in any matter or thing in any court, or before any lawful authority within this Province, shall there give or deliver in their evidence, or testimony, by solemn promising as in the presence of God, to speak the truth, the whole truth, and nothing but the truth, to the matter or thing in question. And in case any person so called to evidence, shall be afterwards convicted of willful falsehood, such person shall undergo such damages or penalty, as the person or persons, against whom he or she bore false witness, did or should undergo, and shall make satisfaction to the party wrong'd, and be publicly exposed as a false witness, never to be credited in any court, or before any magistrate in the said Province. XXVIII. That according to the good example of the primitive Christians, and for the ease of the creation, every first day of the week, called the Lord's day, people shall abstain from their common daily labour, that they may the better dispose themselves to worship God according to their understanding. XXIX. That all offences against God, as cursing, swearing, lying, prophane talking, drunkenness, drinking of healths, obscene words, incest, sodomy, rapes, adultery, fornication and other uncleanness, (not to be repeated) all treasons, misprisons, murthers, duels, felonies, seditions, mayhems, forceable entries, and other villanies to the persons and estates of the inhabitants of this Province, and all prizes, stage plays, games masques, revells, bull-baitings, cock-fightings, which excite people to rudeness, cruelty, looseness, and irreligion,

shall be respective discouraged and punished by the judges and courts of justice in this Province, according to the nature and kind of the said respective offences. XXX. That if any man shall absent himself, or run out of this Province, with another man's wife, (without her husbands consent) and after return hither, he and she so offending, and being lawfully convict thereof, shall each of them receive ten

* This Part of
this Clause re-
pealed. see acts
passed in 1692.

lashes upon their bare back. * The husband of such woman, may after the expiration of six months, from the time of her going away, and unlawfully absenting herself, be *ipso facto* released from the obligation of marriage, and at liberty to marry another woman, and the former offending wife, shall absolutely forfeit and leave all her claim to her said husband's estate, real and personal, and every part and parcel thereof; and her said husband, shall not be obliged to pay any debts contracted by her, after her absenting herself as aforesaid. XXXI. *Be it enacted* by the General Assembly, that whatsoever suits are depending in county courts, formerly held within this Province, all proceedings therein are hereby declared to be good and effectual in law, and what remains to the finishing or determining of the same, shall be perfected by the county courts, constituted by this present sessions of the General Assembly, and if any judgment be given in the former courts, and not execution levied such judgment shall be revived, and execution shall issue from the courts now constituted. XXXII. That any inhabitant, planter or freeholder within this Province, may have liberty if he or they see meet, to make his or their appeal or appeals, from any judgment obtained against him or them in the court of Common Right, to our Sovereign Lord the KING. *Provided always, and be it enacted* by the authority aforesaid, that the party or party's so appealing, shall first pay all costs of such judgments, from which the appeal arises, and also all debts, costs and damages adjudged against him or them, in any other action or actions within this Province, and give in two sufficient sureties by recognizance, double the value of the debt, matter or thing recovered or obtained by judgment against him or them, to the said court, for prosecuting the said appeal or appeals with effect, and make return thereof within eighteen months after the

said appeal or appeals here made, and to pay all costs, damages and charges, if cast upon the said appeal or appeals, but if the appellant shall not prosecute such appeal with effect, and make return thereof within the said eighteen months, then execution, to issue out against the appellant and his sureties, for the debt, damages, matter and thing recovered against him, and all costs of suit occasioned by such appeal.

Chap. IX.

A Bill against fugitive Servants, and entertainers of them.

BE IT ENACTED by the Governor, Council, and Deputies in General Assembly met, and by the authority of the same, that every apprentice, or servant, that shall depart or absent themselves from their master or mistress, without leave first obtained, shall be adjudged by the court to double the time of such their absence by future service, besides all costs and damages, which the master or mistress shall have sustain'd by such unlawful departure. *Be it further enacted* by the authority aforesaid, that whosoever shall knowingly transport, or contrive the transportation of any apprentice, servant or slave, or be any aiding or assisting thereto, and be thereof lawfully convicted, shall be fined five pounds, and make full satisfaction to the master or mistress of such apprentice, servant or slave, for all costs and damages which the said master or mistress can make appear to have thereby sustained. *Be it further enacted* by the authority aforesaid, that every inhabitant who shall entertain, or afford any manner of relief to such apprentice, servant or slave, knowing that he hath absented himself as aforesaid, except of real charity, and thereof be lawfully convicted, shall pay to the master or mistress of such servant, ten shillings for every days entertainment and concealment, and be fined according to the discretion of the court.

Chap. X.

No Freeman to be Imprisoned without Judgment of his Peers.

BE IT ENACTED by the General Assembly, that no freemen of this Province, shall be taken or imprisoned or be disseized of his freehold or liberties of free customs, or be out-law'd or exiled, or any otherwise destroyed, or shall be passed upon or condemned, but by lawful judgment of his peers, or by the law of the land, justice and right shall neither be sold, denied or deferred to any man within this Province.

Chap. XI.

To punish resisters of Authorities.

FOR the better maintaining and upholding of the authority of this Province, and for the encouragement of the same. *Be it enacted* by the Governor, Council and Deputy's now assembled, and by the authority of the same, that if any person or persons shall resist the authority of this Province, as namely, the Governor, Councillors, justices of the peace, either in words or actions, or either by wounds, blows or the like, or by speaking contemptuously, reproachfully, or maliciously of any of them, as also to or of the sheriffs, or the respective constables in or for the due execution of their respective offices, they and either of them so offending, shall be liable to such fine or corporal punishment, as the court before whom it shall come, shall judge meet upon due examination thereof; the fines to be levied by distress, according to the order of the said court for the use of the publick.

Chap. XII.

An Act against prophane Swearing.

FORASMUCH as all prophane swearing and cursing, is forbidden by the word of God. *Be it enacted* by the Governor, Council, and dep-

puties now met, and by the authority of the same, that no person or persons shall from henceforth prophanely swear or curse, and that if any person or persons, shall at any time or times hereafter offend therein, either in the hearing of any justice of the peace of the county, or any corporation where such offence is, or shall be committed, or shall hereafter be convicted by two witnesses, or by confession of the party before any justice of the peace, of the county or justice of any corporation, where such offence is or shall be committed, to which end every such justice of the peace shall have power by this act, to receive such witnesses, that then every such offender shall for every time so offending, forfeit and pay to the use of the poor of that town where the same offence is or shall be committed, the sum of two shillings and six-pence lawful money of this Province; and it shall be lawful for the constable of that town or place by warrant, from such justice of the county, or corporation, to levy the sum or sums of money by distress and sale of the offenders goods, rendering to the party the overplus: And in defect of such distress, the offender if he or they be above the age of twelve years, shall by warrant from such justice of peace, of the county or corporation, be set in the stocks by three whole hours; but if the offender be under the age of twelve years, and shall not forthwith pay the said sum of two shillings and six-pence, then he or she by warrant from such justice of peace, of the county or corporation, shall be whipped by the constable, or by the parent, or master in his presence. *And be it further enacted*, that if any such offender shall commence any suit in law, against any officer or other, for such distraining, sale of goods, whipping or setting in the stock, the defendant or defendants, may plead the general issue, and give the special matter in evidence to the jury at the tryal, and if it be found against the plaintiff, or that the plaintiff be non-suit, the defendant or defendants, shall be allowed good costs to be taxed by the court. *Provided nevertheless*, that every offence against this law shall be complained of, and proved as abovesaid within twenty days after the offence committed.

Chap. XIII.

The Penalty of a Drunkard.

BE IT ENACTED by the Governor Council, and Deputies in General Assembly now met, and by the authority of the same, that all and every person and persons, that shall at any time after the publication hereof, be drunk, and of the same offence of drunkenness be lawfully convicted, shall for every such offence, forfeit and loose five shillings sterling money of this Province, to be paid within one week after his, her or their conviction thereof, to the hands of the constable where the offence shall be committed, who shall be accountable thereof to the use of the poor of the same town : And if the person or persons so convicted shall refuse or neglect to pay the said forfeiture as aforesaid, then the same shall be from time to time, levied of the goods of every such person or persons so refusing or neglecting to pay the same, by warrant or precept from the same court, judge or justices before whom the same conviction shall be : And if the offender or offenders be not able to pay the same sum of five shillings, then the offender or offenders shall be committed to the stocks for every offence, there to remain by the space of six hours. *And be it further enacted* by the authority aforesaid, that if any constable of the town or place where the offence shall be committed, to whom shall be given in charge by the warrant or precept of the court, judge or justices, before whom the conviction shall be, do neglect the due correction of the said offender, or the due levying of the said penalties where distress may be had, then every constable so offending shall forfeit the sum of ten shillings sterling money of this Province, to the use of the poor of the same town or place where the offence shall be committed, to be levied by way of distress, by any other person or persons having warrant from any court, judge or justices, before whom the conviction shall be, and to be accountable thereof to the same use as abovesaid.

Chap. XIV.

A Bill for the Punishment of Incest,
Adultry, and Fornication.

FOR the suppressing of the abominable and crying sins of incest, adultery and fornication, wherewith Almighty God is highly displeased. *Be it enacted* by the Governor, Council and Deputies in General Assembly met, and by the authority of the same, that if any person or persons whatsoever, shall from and after the five and twentieth day of March, one thousand six hundred eighty and three, marry or have the carnal knowledge of the body of his or her grandfather or grandmother, father or mother, brother or sister, son or daughter or grandchild, father's brother, or sister mother's brother, or sister father's wife, mother's husband, son's wife, daughter's husband, wife's mother or daughter, husband's father or son, all and every such offences, are hereby judged and declared incest, and every such offence, shall be and is hereby adjudged felony, and every person offending therein, and confessing the same, or being thereof convicted by verdict, by indictment, or presentment before any of the judges or justices of the court of common right, shall suffer as in cases of felony, and all and every such marriage, and marriages, are hereby declared and adjudged void in law, to all intents and purposes whatsoever, and the children begotten between such persons, notwithstanding any contract or solemnization of marriage, to be illegitimate, and altogether disabled to claim or inherit any lands, or inheritance whatsoever by way of decent from, or to receive or challenge any child's portion, in any goods or chattels of their said parents, or any other ancestor of such parents.

Be it further enacted by the authority aforesaid, that in case any married woman, shall from and after the five and twentieth day of March aforesaid, be carnally known by any man, (other than her husband) except in case of ravishment, and of such offence or offences, shall be convicted as aforesaid, by confession of the offender or otherwise, every such person, as well the man as the woman, so offending, and confessing the same, or being thereof

convicted, by verdict upon indictment, or presentment as aforesaid, shall be fined and amerced according to the discretion of the justices of the county courts, or court of common right, where such offender shall or may be convicted, which said sum or sums of money shall be levied by distress and sale of the offenders goods, by warrant from the court; where such conviction shall be made, and he employed to and for the publick use of the said Province, and to defray the necessary charges of the government. *Provided*, that the said fine or amercement, do not exceed the sum of fifty pounds sterling, nor be under the sum of five pounds sterling, and shall by good and sufficient sureties at the direction of such court, be bound to the good behaviour for one whole year then next ensuing. *Provided always, and be it enacted* by the authority aforesaid, that if a sufficient distress, cannot be found whereby to levy the same, or such offender or offenders, shall deny or refuse to make present payment of any such fine or fines as aforesaid, such offender shall be adjudged in lieu thereof to receive forty stripes save one, on the bare back, with a rod or whip at the publick whipping place.

And be it further enacted by the authority aforesaid, that if any man shall from and after the five and twentieth day of March aforesaid, have the carnal knowledge of the body of any virgin, unmarried woman or widow, every such man so offending and confessing the same, or being thereof convicted by verdict upon indictment or presentment, as also every such woman so offending, and confessing the same, or being thereof convict as aforesaid, shall for every such offence be committed to the common gaol, without bail or mainprize, there to continue for the space of three months, unless he or she pay five pounds sterling, to be disposed to the uses as the other fines before mentioned are directed, and until he or she respectively shall give security, to be taken by one or more justice of the peace, before whom such confession or conviction shall be had to be, of the good behaviour for one whole year then next ensuing. *Provided always*, that no person or persons shall incurr any of the penalties in this

act mentioned, unless the said person or persons be thereof indicted within six months after the offence committed. *Provided also*, that it shall be lawful for any person or persons who shall be indicted for any the offences aforesaid, to produce at their respective tryals, any witness or witnesses for the clearing of themselves from the said offences whereof they shall be so indicted. *Provided*, that no guilty parties confession shall be taken as evidence within this act, against any other, but only against such guilty party so confessing, nor the husband shall be taken as witness against his wife, nor the wife against her husband, for any offence punishable by this act.

Chap. XV.

Against prophaning the Lord's Day.

BE IT ENACTED by the Governor, Council, and Deputies in General Assembly met and assembled, and by the authority of the same, that all and every person or persons whatsoever, who from and after the tenth day of the month called May, *Anno Domini*, 1683, do or shall upon the first day of the week, commonly called the Lords day, on foot or horse-back, or otherwise travel on any pretended journey, or be found rudely, or otherwise to ride from town to town, or elsewhere, except it be for or on the account to go unto or return from some place, or assembly of people, for some religious exercise, or other matter or thing of necessity; or shall be found or known to ride on horse hunting or beast-hunting, or be known or found in any other work, or ordinary trade, or drinking in any ordinary, or gaming, sporting or playing at, or in any games, sports or plays, or be found in any other exercise, than sober and religious exercise, (works and things of necessity only excepted) shall forfeit for every such offence, the first time of offence five shillings, and for the second offence ten shillings, and for every after offence ten shillings, to be levied by distress and sale of the offenders goods and chattles, by warrant from any justice of peace, who shall convict such offender, or before whom such offender shall be convicted. *And be it enacted* by the authority aforesaid, that every justice of

peace within this Province, shall and may enquire of, and upon information of such offences and testimony thereof, and by notorious circumstances of the fact, and by his own knowledge, and by the confession of the party, or by any the ways or means aforesaid, convict such person offending; all which said fines shall be and go to the use of the poor of the place, parish, town or county where such offender did commit such offence aforesaid.

Provided always, that such justice of peace, shall and may as he sees meet, reward any person or persons who shall witness, or be assistant to convict such offenders, to the value of one third of such fine set, and that in case such distress cannot be found, on such offender or offenders goods, then such justice of peace, or any other, may by his warrant cause such offender to be set in the stocks for the space of two hours, and bind him by his own recognizance, to the good behaviour for six months, then next following; and if such offender shall refuse to enter into such recognizance for the good behaviour, then such justice of the peace, or other, may, or shall commit such offender or offenders to the common gaol for the county, there to remain until the next session of the peace, there to be held until he shall give such security, or be discharged by due course of law.

Chap. XVI.

A Bill to rectify abuses in some late Records.

WHEREAS by inspection and examination of the records, or pretended records and entries of surveys and patents for land within this Province, granted by the late Governor Philip Cartert, and his Council, and entered by the late pretended Secretary, Captain Robert Vicers, from and after the five and twentieth day of March, 1682, there appears to be many survey's confusedly entered, and patents disorderly granted and recorded, in abuse and derogation of their duty and office, and in the wrong, as well of the present Proprietors of this Province, as of several other the inhabitants thereof, and whereas the said

Robert Vicers, hath not produced or made appear any commission for the office of secretary, consonant to the constitutions of this Province, nor taken any oath, or made any solemn protestation in writing, and entered the same in some book, as to the said office of secretary doth belong, for the faithful discharge of the same. *Be it enacted* by the Governor, Council and Representatives, now set in General Assembly, and by the authority of the same, that the said pretended records, written by the said Robert Vicers, from and after the twenty-fifth day of March, 1682, as also the respective patents, (of which these are the pretended records) are hereby declared null and void to all intents and purposes. *Provided always*, that any person or persons therein concerned, shall not be deprived of any right, claim or interest, which they have or can pretend to have in or to any land so surveyed or patented, and not originally claiming their interest or right thereto, by virtue of any such survey, or patent, or record, any thing in this act to the contrary notwithstanding.

Chap. XVII.

An Act directing Subscriptions by public Magistrates, and Ministers of Justice.

BE IT ENACTED by the Governor, Council and Deputies, in General Assembly met and assembled, and by the authority of the same, that every freeholder within this Province, being chosen or appointed by order of the Governor and Council to be high sheriff of any county, shall within twenty days after he has notice thereof, take upon him the execution of such office, he shall make such subscription as is hereafter appointed, before the Governor or Deputy Governor, or before two justices of the peace, or one justice of the peace and quorum of the county where he lives, which shall be forthwith transmitted to the secretary's office of this Province, there to be kept and recorded. *And be it enacted* by the authority aforesaid, that every person or persons, appointed or commissioned to be justices of the peace within this Province, if he accept thereof, shall

before he take upon him the execution of such office, make such subscription as is herein after directed, and shall make the same within the space of twenty days next after his knowledge of such commission, before the Governor or Deputy Governor, or before the clerk of the county court or sessions, who shall in his books make entry of the same, and with all convenient speed after such subscription made, transmit to the Governor or Deputy Governor, for the time being, of such subscription in order the same be recorded. *And be it further enacted* by the authority aforesaid, that all and every the clerks of the courts, constituted by authority of this General Assembly, shall before the Governor or Deputy Governor, or before two justices of the peace, or one justice of the peace and quorum of the county, make such subscription for the more faithful execution of that office, as his herein after directed ; which subscription such clerk shall enter in, and amongst the entry's of records of the court where he is clerk, and shall certify the same as aforesaid, to be entered in the secretary's office, as is above directed in the other subscriptions, so that due caution may be taken for just administration of justice by the publick magistrates and ministers of justice throughout this Province.

The form of the Subscription for a high Sheriff of each County, to make before he take upon him to Exercise the Office of a high Sheriff.

I do hereby solemnly promise as in the presence of God, to bear true allegiance to the King of England, his heirs and successors, and to be true and faithful to the interest of the Lords Proprietors of this Province of East New Jersey, and to their heirs, executors and assigns, and endeavour the peace and welfare of the said Province. And that I will well and truly serve the King of England, and the said Lords Proprietors, in the office of high sheriff, of the county of _____ and do what belongeth unto me, in my said office, as far forth as I may or can : In testimony whereof I have hereunto subscribed my name, Dated the _____ day of _____ Anno Domini, 1682.

The form of the subscription for a justice of peace to make before he take upon him to exercise the office of a justice of peace within this Province.

I whose name is hereunto subscribed, do solemnly as in the presence of God, promise and declare, that I will bear true allegiance to the King of England, his heirs and successors; and be true and faithful to the interest of the Lords Proprietors of this Province of East New Jersey, and their Executors and assigns, and that as a justice of peace in the county of _____ in all articles and things in the Governor's commission to me directed, according to the laws and acts of the General Assembly of this Province, to poor and rich, I will to my power do equal justice, I will not be council with any person in any matter depending before me, I will hold sessions in my county according to the act of the General Assembly; and in all things I will perform and do the office of a justice of peace, according to right and justice, to the utmost of my understanding, power and ability. Witness my hand, dated this _____ day of the month called _____ *Anno Domini* 1683.

The form of the subscription of every clerk of the peace, or other clerk to be commissioned or appointed to keep the process and precedence of the Courts of Common Right, Court of County Sessions, and Court of petty Causes in this Province.

I Do hereby solemnly promise, as in the presence of God, to bear true allegiance to the King of England, his heirs and successors, and to be true and faithful to the interest of the Lords Proprietors of this Province of East New Jersey, and of their heirs, executors, and assigns, and that I will without corruption or deceit, well and faithfully, to the utmost of my understanding and ability, perform and execute the office and place of clerk of the court of _____ I will not take or extort any fees, but what are or shall be due and legally constituted. Witness my hand this _____ day of _____ *Anno Domini*, 1683.

Chap. XVIII.

A Bill for the Office of Coroner and Constable.

BE IT ENACTED by the Governor, Council and Deputies in General Assembly met and assembled, and by the authority of the same, that the coroner in each county within this Province, shall before he take upon him to execute his said office, and within the space of twenty days next after he shall be commissioned for that office and service, and have notice thereof, shall make the subscription herein after appointed for coroners. *And be it enacted* by the authority aforesaid, that every person duly elected and chose high constable, or petty constable, or constable's deputy's within this Province, shall within ten days after his election, make such subscription as his herein after mentioned for the office of constables and petty constables, which said respective subscription of coroners and constables, shall be made before two justices of the peace, or one justice of the peace and of the quorum, of the county where such coroner or constable is to serve; which said subscription of coroners shall so soon as the same be so subscribed, be transmitted to the Secretary's office of this Province, there to be entered and recorded.

The form of a Subscription for Coroner.

I do hereby solemnly promise as in the presence of God, to bear true allegiance to the King of England, his heirs and successors, and to be true and faithful to the interest of the Lords Proprietors of this Province of East New Jersey, and their heirs, executors and assigns, and that I will endeavour the peace and welfare of the said Province, and that I will well and truly serve the King and the said Lords Proprietors in the office of coroner, of the county of _____ and do what belongeth unto me, in my said office, as far forth as I may or can.

The form of the Subscription for high Constables, and Constables Deputy's, or petty Constables.

I Do hereby solemnly promise as in the presence of God, that I will well and faithfully serve our sovereign Lord the King, and the Lords Proprietors of this Province, in the office of constable. I will see the King's peace to be well and truly kept and preserved to the utmost of my power I will endeavour to arrest all such persons, as in my presence, shall ride or go arm'd offensively, or shall commit or make any riot, affray, or other breach of the King's peace. I will do my best endeavour when required thereto, that watch in our town be duly kept, and I will do my best endeavour upon complaint to be made, to apprehend all fellows, barritors, — rioters and persons making affrays. And I will make due presentments of all such persons as shall maintain or keep any common house or place, where any unlawful games or play's are or shall be used, as also to such persons as shall frequent or use such places, or shall exercise or use any unlawful games or play's, there or elsewhere, contrary to law. I will present all and every the offences committed or done, contrary to law for the restraint of inordinate haunting and tipling in inns, ordnary's and ale houses, and for repressing of drunkenness, and prophane swearing. I will true presentment make of all blood sheddings, affray's, outeries, rescues and other offences committed or done against the publick peace within my limits. I will well and truly execute all precepts and warrants to me directed from the Governor or his Council, the justices of the peace, and others in authority in this Province. And I will well and duly according to my knowledge and power and ability, do and execute all other things belonging to the office of a constable, so long as I shall continue in said office.

At a General Assembly, begun and hold-
en at Elizabeth Town, in the Province
of East New Jersey,

The first Day of the Month called March, Anno Domini, 1682, and in the five and Thirtieth Year of the Reign of King Charles the Second, over England, &c. And there continued by several Adjournments thereof, until the last Day of the Third Month called May, and in their last Convention for the publick weal of this Province, was Enacted as followeth.

Chap. I.

A bill for the orderly keeping of Swine.

WHEREAS we have found by daily experience, that swine are creatures that occasion trouble and difference amongst neighbours, and rather prejudicial than beneficial to the Province, while they have liberty to run at randum in the woods or towns, they being so obstructive to the raising of corn in the Province, and spoiling the meadows in the respective towns. *Be it enacted* by the Governor, Council and Deputies in General Assembly, and by the authority of the same, that no inhabitants or freeholder within this Province, and throughout the same, shall or may keep any swine, small or great, but what he or they shall keep within their own land and fence, or at least secured by the owners thereof, from trespassing upon the neighbours,

and if any shall be found at liberty in the streets, meadows, or upon any other man's fenced or inclosed land, after the last day of January next ensuing the date hereof, it shall be lawful for any one so finding them, or meeting with them, to kill them; one third part of such swine, shall go to the use of the person who shall kill the same, and the other two third parts to the constable of the town or place that shall take the same into his custody, being only accountable to answer one penny per pound of the two thirds to be disposed off, for the public use and service of the country.

Chap. II.

An Act that Process shall issue from the Clerk of the Peace.

FOR the better settling the proceedings of the county courts. *Be it enacted* by the Governor, Council and Deputies now met and assembled, and by the authority of the same, that all process and writs for actions depending between man and man, in the county courts, shall issue out of the clerk of the peace, or county courts in each county respectively.

Chap. III.

An Act for due Regulation of Executions.

BE IT ENACTED by the Governor, Council and Deputies, in General Assembly now met and assembled, and by the authority of the same, that when, and so often as the Sheriff of any county, shall have any writ of execution directed to him, out of any court of record within this Province, recovered by judgment against any defendant, that upon the seizure of the defendants lands, goods or chattles, the plaintiff, or his attorney, shall elect and appoint one appraiser, and the defendant another, and for the default of the defendants election and appointment of one appraiser, the plaintiff, or his attorney, to elect and appoint two men of good reputation, who shall

then and there before the Sheriff, (who is hereby impowered to administer the same) take their oath, or solemnly promise, as in the presence of God, that they will make true appraisement of such lands, goods and chattles, to the best of their knowledge and understanding: And that in case the defendant shall not upon such appraisement made, pay the said debt or damages recovered, and also the costs of suit, that then and in such case, the Sheriff shall deliver the lands, goods and chattles to the plaintiff, his attorney or agent, who may keep the same in his custody, for and during the space of six weeks; and if the defendant or his assigns, do not in that time pay the said debt or damages recovered, with costs of suit, then the plaintiff shall have and keep the same, to the use and behoof of him the said plaintiff, his heirs, executors, and assigns, according to the said appraisement. And in case the said appraisement amount not unto the debt, damages, and lawful costs of suit, then the plaintiff shall and may have process for the residue of the same. And in case the said lands, goods and chattles exceed the said debt, damages and costs of suit, the plaintiff shall return the overplus either in goods as appraised, or the value thereof in money to the defendant; and the plaintiff at the cost and charges of the defendant, shall acknowledge, or cause to be acknowledged, satisfaction upon the record of the said judgment, the defendant giving and sealing to the plaintiff a release of all errors in the said judgment.

Chap. IV.

An Act against Trading with Negro Slaves.

WHEREAS it is found by daily experience, that negro and Indian slaves, or servants under pretence of trade, or liberty to traffick, do frequently steal from their masters and others what they expose to sale at distance from their habitations, and it being a known truth, that without a receiver the thief would soon desert his practice. *Be it therefore enacted* by the Governor, Council, and deputies in General Assembly met and assem-

bled, and by the authority of the same, that all and every person or persons, being a planter or inhabitant within this Province, who shall at any time hereafter, buy, sell, barter, trade or traffique with any negro slave, or Indian slave, or servant, for any rum, brandy, wine or strong drink, or any other goods, wares or commodities, living or dead, within this Province of East New Jersey, shall pay for the first offence five pounds, and for the second and every other offence ten pounds, of the money of this Province, to be recovered by bill, plaint, indictment, information or otherwise, in any court of record within this Province; the one third thereof to the use of the informer, the other third part thereof to the use of the government, the other third part to the publick treasury of the Province. *And be it enacted* by the authority aforesaid, that all and every person within this Province, in case any negro, or Indian slave, or servant, shall tender, bring or offer to sell, barter, or trade with or any matter or for thing to any person without permission or licence of his master or mistress, such negro slave, or servant, shall and may be taken up and be whipped by the person or persons to whom he shall tender such sale, and such person whipping such negro, or Indian slave, or servant, shall have the reward of half a crown paid him by the master or mistress of such negro, or Indian slave, or servant.

The Governor and Proprietors of the Province of East New Jersey.

WHEREAS the freeholders of the corporation of Woodbridge, have according to their charter made choice of Samuel Dennis, Captain John Pike, Captain John Bishop, and Samuel Hall, as persons fit and capable to serve and bear the offices of justices of the peace, for their said corporation, and have presented the same to the Deputy Governor of the said Province, for approbation. *Now know ye*, that we have approved of their said choice, and do hereby in the King's, name authorize and commissionate the said Samuel Dennis, Captain John Pike, Captain John Bishop, and Samuel Hall, and every of them justices of the peace, of

the said corporation, to do, act and perform, all and every such act and acts, and to hold courts and keep the King's peace, and the peace of the said corporation within the limits, precincts and boundaries thereof, according to the powers, limits, and prescriptions mentioned, express'd and contained in their said charter. Given under the seal of the said Province, the twenty eighth day of the month called March, Anno Domini, 1683. Thomas Rudyard.

At the General Assembly begun and holden at Elizabeth Town, in the Province of East New Jersey,

The first day of March, Anno Domini, 1682, and in the five and thirtieth year of the reign of King Charles the Second, over England, &c. and there continued by several adjournments, unto the fifth day of December following, and in their last Convention for the publick weal of this Province, was enacted as followeth.

Chap. I.

An act for making and settling of Highways, Passages, Landings, Bridges, and Ferries within this Province.

BE IT ENACTED by the Governor, Council and Deputies in General Assembly now met and assembled, and by authority of the same, that in

and throughout this Province, all necessary highways, bridges, passages, landings, and ferries, fit and apt for travelling passages, landing of goods, shall be set, laid out and appointed in and throughout every county within this Province, by the respective persons, herein after mentioned, that is to say, in and for the county of

Essex.

The Governor, or Deputy }
Governor, for the time }
being.

The Surveyor General.
Capt. John Palmer.
Capt. William Sanford.
Benjamin Price.
Isaac Kingsland.
Henry Lyon.
Benjamin Parkis.
Thomas Johnston.
John Curtis.

For the County of Middlesex,
and parts adjacent.

The Governor, or Deputy }
Governor, for the time }
being.

The Surveyor General.
Capt. John Palmer.
Thomas Warne.
Stephen Warne.
Samuel Dennis.
Samuel Moore.
Edward Slater.
John Gillman.
Hopewell Hull.

For the County of Bergen.

Capt. John Berry.
Lawrence Andress.
Enoch Machillson.
Hance Dederick.
Michael Smith.
Henrick Van Ashtrum.
Clause Janson Vansarmarant.

For the County of Bergen.

The Surveyor General.
Col. Lewis Morris.
Capt. John Bound.
Richard Hartshorn.
John Hance.
Joseph Parker.
Lewis Morris, junr.

And be it enacted by the authority aforesaid, that the said respective persons nominated as aforesaid for the said respective counties, or the major part of them, all having notice, shall and may agree and determine, on any time or times to view and lay out the respective highways, bridges, passages, landings, and ferries, in such respective counties, and shall make, lay out, sit and place the same in such place and places, and in such manner and form, as they, or the major part of them, shall see meet and convenient, and account thereof shall make, give and return unto the Governor and Council for the time being, that the same may be entered and registered in the publick records of the said Province; and that the said respective highways, bridges, passages, lands and ferries, are to be and

shall be accounted to be, and belong to the said respective county, and to be and shall be made, maintained, repaired and kept up at the respective charge of every respective person, town or township to whom or where they are most serviceable, or do or shall most immediately belong or appertain. *And be it further enacted* by the authority aforesaid, that in every town, township or hamlet, in and throughout every county, there shall be made and maintained a convenient pound, for impounding of cattle that do trespass in the respective neighbourhood.

Chap. II.

A Bill for regulating of Trade with the Indians.

FORASMUCH as brandy, rum and other strong liquors, are in their kind (not abused but taken in moderation) creatures of God, and useful and beneficial to mankind, and that those creatures which God bestows, are not more to be denied to Indians in moderation than the Christians, that all abuses therefore may be prevented, *Be it enacted* by the Governor, Council and Deputies in General Assembly met and assembled, and by the authority of the same, that if any person or persons whatsoever within this Province, shall from and after the publication hereof, sell, give, or any otherwise dispose of so much brandy, rum, wine, beer, syder or other strong liquors, to any Indian or Indians, male or female, within this Province, to make him or them drunk, or intoxicated, the party or parties so offending, for every such offence being thereof lawfully convicted, shall pay or forfeit the sum of ten pounds, current money of this Province, besides cost of court. And forasmuch as it may be something difficult to prove the matter of fact. *Be it further enacted* by the authority aforesaid, that any persons, or person, out of whose house the Indian or Indians shall come so drunk or intoxicated as aforesaid, shall be esteemed *ipso facto*, guilty of the breach of this law. *Provided also, and be it further enacted*, that the person or persons, out of whose house the Indian or Indians shall come drunk or intoxicated as aforesaid, shall either by good evidence, or by his own corporal oath or solemn protestation, (to be made

or taken before any one justice of the peace of the county where such person shall inhabit, which oath or solemn protestation, all and every justice of the peace in this Province, hath power hereby to take or administer accordingly,) prove that the said Indian or Indians, did not directly or indirectly receive any brandy, rum, wine, or other strong liquor as aforesaid, out of his house, or from any person or persons thereunto belonging or appertaining, or by his order or consent; that then such person or persons so accused, shall be acquitted and discharged for any thing or matter relating to the premises. *Provided always, and be it further enacted* by the authority aforesaid, that from and after publication hereof, no person or person whatsoever, shall presume to take, or receive any manner of pledge or pawn whatsoever, from any Indian or Indians, directly or indirectly for meat, drink, or liquor sold to the said Indian or Indians, upon the penalty of forty shillings current money of this Province, besides the delivery of the said pledge or pawn, by order of a justice of the peace, who, upon information thereof, is hereby authorized and impowered to cause the said pawn or pledge so taken as aforesaid, to be delivered to the said party or parties, owing the same, without any further satisfaction to the person with whom the said pledge or pawn was left as aforesaid. *Be it further enacted* by the authority aforesaid, that all person and persons whatsoever, shall treat the said Indians with Christian charity, and humanity; and if any of the said Indians shall receive or buy any strong liquors for money or barter, and the said Indian or Indians, shall continue at the house of the person from whom he received the said liquors as aforesaid, until the after part of the day, that every such Indian or Indians requesting the same shall be there entertained for that night only, provided he or they behave themselves civilly, during his or their abode there. *Provided also*, that one third part of all such fines and sums of money to be forfeited in manner and form aforesaid, to be and remain to any person or persons, who shall make information of the breach of this act, to any justice of the peace and prosecute the same with effect, one third part to the support of the government, and the other third part to the publick treasury of the Province.

Chap. III.

An Act to prevent Tipling and other Disorders in Ordinary's by Town Dwellers.

BE IT ENACTED by the Governor, Council and Deputies now met in General Assembly, and by the authority of the same, that if any ordinary keepers within this Province, shall trust out strong drink, by small quantities, amounting above the sum of five shillings, (before payment be made) to any inhabitant, or town dweller, any such sum above five shillings, shall not be recovered by law.

Chap. IV.

For the further explanation of the Law made in the month called May, 1683 concerning Swine.

BE IT ENACTED by the Governor, Council and Deputy's now met and assembled, and by the authority of the same, that no person or persons whatsoever shall or may kill any hogs or swine, but such persons only (or such as belong to them) as he or they shall find trespassing, in his or their inclosed lands, or meadows, tho' not inclosed. *And be it further enacted* by the authority aforesaid, that it shall and may be lawful for the respective towns, hamlets or neighbourhoods, to meet together after harvest, and consult concerning the letting loose of hogs and swine, from and after the tenth day of October, until the first of January, or any shorter time, if three fourth parts of the said towns, or hamlets, or neighbourhoods, shall conclude to let their hogs loose, the interval abovementioned, that it shall not be lawful for any man whatsoever to kill any the said hogs or swine, upon any pretence whatsoever during that time. *Provided always*, that this act nor any thing therein contained, shall or may extend to any neighbouring town, hamlet or neighbourhood, that shall not make such agreement, which conclusion shall be in force for that present year and no longer.

Chap. V.

An Act to encourage the killing of Wolves.

BE IT ENACTED by the Governor, Council and Deputies now met in General Assembly, and by the authority of the same, that if any inhabitant of this Province, shall be at any pains or cost for the killing of wolves within any county in this Province, and the heads thereof being brought unto the clerk of each town in the said county, which clerk shall keep an exact account thereof, and make a true return unto the Deputies of the respective towns, shall have for every wolves head so killed, fifteen shillings paid out of the county treasury.

Chap. VI.

An Act for regulating of Ordnaries.

FORASMUCH as their is great exorbitances and drunkenness, observable in several towns in this Province, occasioned by tolerating many persons in selling drink in private houses, which is much to the dishonour of God, impoverishing of the common wealth and wrong to several poor persons. *Be it therefore enacted* by the Governor, Council and Deputy's now met in General Assembly, and by authority of the same, that no person or persons in any town within this Province, shall be suffered to draw and sell by retail, any manner of strong drink, as brandy, rum, or spirits, under the quantity of a quart, or of beer, syder, wine or other liquors, under the quantity of one gallon, directly or indirectly, upon the penalty of paying ten shillings fine for every small quantity so drawn and sold, the one third part to the informer, the other two thirds to the poor of the town where the said drink is so sold, excepting such person or persons that hath a licence to keep ordinary under the hands of two justices of the peace, one of which being of the quorum, and give recognizance of twenty pounds for keeping an orderly house, the fines to be levied by the consta-

ble of the respective towns with a warrant from a justice of the peace, if payment be not made within six days, and for want of distress, his person to be sent with his mittimus to the common gaol, and there to remain until payment be made. *Provided always*, that the offender shall be convicted of this offence before a justice of the peace, by the testimony of one witness, upon oath, with other concurring circumstances.

Chap. VII.

A Bill for the more regular Ordering of Fences.

BE IT ENACTED by the Governor, Council and Deputies in General Assembly met and assembled, and by authority of the same, that all persons in and throughout this Province, whose house lots hath been improved, or shall hereafter be improved and joining to another persons house lot, that in such case all persons so concerned, their house lots, joining together, shall make and maintain his proportion of a sufficient division fence, except he and his neighbour shall otherwise agree. *Be it further enacted* by the authority aforesaid, that all fences that are four feet and three inches high, shall be accounted sufficient height for fences.

Chap. VIII.

A Bill to regulate Abuses in taking up Horses.

FORASMUCH as many abuses are and have been committed within this Province, in the taking up, marking, selling, and disposing of horses, mares, and geldings, not only in wrong and injury of the Lords Proprietors of this Province, but also of many of the inhabitants of the same, for the remedying whereof, *be it enacted* by the Governor, Council and Deputies in General Assembly, and by the authority of the same, that there shall be one person appointed and commissioned in each county of this Province, chief ranger of that county, who shall take up and

receive all strays, within his respective county, and keep an exact register of the same. And that all persons may have due notice thereof, whereby they may make their just claims appear, if any such be, *Be it further enacted*, that the said ranger upon the taking up of any stray, or strays as aforesaid, shall cause immediate publication thereof to be made at the publick meeting place or places of the next adjacent towns and counties. And that the said ranger may execute his said office, with the more fidelity, *Be it further enacted* by the authority aforesaid, that every the rangers, have hereby power to depute so many persons as he shall think meet and convenient, in his place and stead. All and every which said Deputy's, together with the said ranger himself, shall take an oath or make solemn subscription for the faithful execution of their respective offices. *Provided always, and be it further enacted* by the authority aforesaid, ther all horses, mares and geldings upon which, after the age of two years, no brand mark or ear mark is found, shall be esteemed and accounted strays, and forfeited to the Lords Proprietors of this Province; unless any person or persons claiming the same, shall make his or their right or property appear before any two justices of the peace of the county, where the said horse, mare or gelding are brought, who are hereby authorized and appointed to hear and determine the same; provided it be within one month after publication thereof as aforesaid, if it shall happen to be in the summer season; if in the winter, then in the space of two months, and no longer. *Provided always, and be it further enacted* by the authority aforesaid, that the party or parties having made appear their right to the said horse, mare or gelding, in manner and form aforesaid, shall pay unto the ranger, fifteen shillings current money of this Province, for taking up the said horse, mare or gelding, besides sufficient allowance for the keeping of the said horse, mare or gelding, during the time the said horse, mare or gelding remained in the rangers possession. *Provided also, and be it further enacted* that no person or persons whatsoever, shall be permitted to range the woods upon pretence of getting up of wild horses or strays, without particular licence first obtained from

the said chief ranger, upon penalty of five pounds current money aforesaid for every such offence. *And be it further enacted* by the authority aforesaid, that no person or person whatsoever, shall mark any horses, mares, geldings or colts, but in the presence of some justice of the peace, constable or chief ranger, upon the penalty of forfeiting the sum of twenty pounds of lawful money of this country, for every such offence, the one third part thereof to any person that shall give information thereof, and prosecute the same with effect; one third part to the Governor for the time being, and the other third part to the public treasury of the Province: which said justices or constable, in whose presence such horse, mare, gelding, or colt, shall be marked as aforesaid, shall certify to the chief ranger, the natural marks of such horse, mare, gelding or colt, together with the ear marks, and brand marks, together with the owner of the same, who is hereby required to keep a record thereof. And forasmuch as several persons, horse-courers, or drivers, have heretofore imported great numbers of horses and cattle into this Province, and driving them thro' the said Province, without entering or tolling the said cattle or horses, by which means the inhabitants have been considerably damnified, *be it enacted* by the authority aforesaid, that whosoever shall import, bring or land any cattle, or horses in any county within the said Province, and shall not immediately repair to the chief ranger of the said county, or to some one of his deputies, and there make entry of each respective horse, mare, gelding, bull, ox, cow, or other young cattle, together with their colour, natural marks, ear-marks and brand-marks, and take certificate of such entry from the said ranger or his deputy, shall *ipso facto*, forfeit all and every the said horses, mares, geldings, bulls, oxen, kine, and other young cattle aforesaid, the one third part thereof to be to any person who shall inform against the said offender, and prosecute the same in any court of record within this Province, the one third part to the Governor for the time being, and the other third to the publick treasury of the Province. And least any of the cattle or horses belonging to the inhabitants of this Province, should together with cattle or horses of such horse courser, or drivers as aforesaid,

be clandestinely carried away. *Be it further enacted* by the authority aforesaid, that all and every the said horse-courser and horse-courser, drover and drovers, shall at the last town as he or they shall pass out of the Province, repair to the ranger, or his deputy, if any be there, or for want of them, to some justice of the peace, and there produce and shew his certificate obtained as aforesaid, to the said ranger, deputy or justice, together with the number of the said horses and cattle if thereunto required, upon the penalty and forfeiture of all and every the said cattle and horses as aforesaid, to be disposed of as aforesaid. *Be it further enacted* by the authority aforesaid, that no horse-courser, horse merchant, or drover, shall drive or carry any horse, mare, or gelding, or cattle out of this Province, either by sea or land, before he or they make entry of the same, with their colour and marks, natural and artificial, with some one of the chief rangers of this Province, and take certificate of such entry from such chief ranger, which shall be a pass to him against any person who may question him in his passage, upon the penalty of forfeiting twenty shillings of current money of this Province, for every horse or beast, which he shall so carry away, or transport out of the Province, to the uses above recited. *Provided always, and be it further enacted* by the authority aforesaid, that any justice of peace, magistrate, or other officer, shall and may require from any horse-courser, or horse-merchant, or horse-drover, such certificate as aforesaid, and if he refuses to produce the same, all and every such horses, mares, geldings, and other cattle, shall and may be seized and stopt, and such person secured, until he shall produce such certificate, or make such entry as aforesaid, to the satisfaction of the justice of peace, magistrate, or other officer requiring the same.

Chap. IX.

An Act for the better enabling of Persons
in this Province to reco- their just
Debts against non Residents.

WHEREAS many inconveniencies do and may daily happen to the inhabitants of this Province by such who may have lands and estates in this Province, and may either absent themselves out of the Province, with design to defraud their creditors of their just debts, or may inhabit in some of the neighbouring adjacent Provinces, whereby persons who having just demands against them, cannot have any process at law, whereby to reach their persons to answer any suit to be commenced against them to their manifest injury : for remedy whereof, *be it enacted* by the Governor, Council and Deputies in General Assembly met and assembled, and by authority of the same, that in all cases and causes wherein any person or persons shall absent themselves as aforesaid out of this Province, or inhabit elsewhere from their houses, plantations, or estates, or to such as they claim as their right, or reputed right, that a summons being made and issued out of the Court of Common Right, or any of the courts of sessions, or county courts within this Province, and being left with any servant, wife, or any one of the family, being in or at such house, plantation, or estate, and belonging to the person against whom any suit shall or may be commenced or brought, or for want of such resident, or inhabitant there living, left at, or in any of the houses, plantations, or premises, together with the plaintiffs declaration in writing, the same shall be deemed and esteemed as a personal arrest or service on such defendant : And in case such defendant, or some attorney, shall not make appearance to such declaration or suit at the next court after such summons left, within twenty days, being given before the court for him to appear, after the summons left, after oath or solemn protestation made of such service as aforesaid, and filed in writing, in the court where such suit shall be commenced or is depending ; the judges or justices of such court, shall give or pass

judgment in such case, as if such defendant had appeared, and not pleaded or answered thereto. *And be it further enacted* by the authority aforesaid, that after judgment had and obtained against such person or persons absent, or non resident within this Province, execution shall and may be done, and executed for satisfaction of such judgment, upon the defendants lands, goods or chattles lying and being within this Province ; any law or usage in this Province, to the contrary thereof in any wise notwithstanding.

Chap. X.

An Act that Strangers and Foreigners shall give Bond to Prosecute.

FORASMUCH as there may be great wrong done to the inhabitants of this Province, by strangers or foreigners commencing of groundless or vexatious suits, and being cast, he or they absenting themselves before satisfaction given to the defendant ; for prevention whereof, *be it enacted* by the Governor, Council and Deputies in General Assembly, and by the authority of the same, that all strangers and foreigners, shall either by themselves or their attorney, desire a warrant of arrest against any of the settled inhabitants of this Province, in any action or suit whatsoever, shall first give into the office from whom the warrant may be obtained, security double the value of the debt or damages laid and pretended to prosecute his or their suit against such person or persons so arrested, that if it shall happen that such strangers or foreigners, who shall arrest any inhabitant or freeholders as aforesaid, and shall not either prosecute his action, or if he shall prosecute, and it shall happen that he or they shall be cast, and upon the same shall make his or their escape, by which means the defendant may be deprived of having his reparation upon him or them, that then such defendant shall and may have his action against such sureties as abovesaid. *And be it further enacted* by the authority aforesaid, that if any clerk,

or other that is empowered to grant any such writs or warrants, and shall be remise in taking such security as above-said, shall be liable to pay the defendants damages, to be recovered by way of action at common law.

Chap. XI.

An act to build the common Gaols and Pounds.

WHEREAS by several acts of Assembly, it has been heretofore provided that in every county shall be built and provided a common gaol, and in every town a convenient pound. *Be it enacted* by the Governor, Council and Deputies in General Assembly met and assembled, and by the authority of the same, that in every county the justices of the peace at their next Quarter Sessions, next after the publishing hereof, or so many thereof as shall meet at the said sessions, shall order, assess, and make a rate or tax upon the inhabitants of each county, for the building and making in each county a common gaol, and in each town a pound, and also shall order and constitute collectors for the same, and also shall order, contract, and agree with workmen for making and erecting the said gaols and pounds, which said rate and tax so assessed, imposed or taxed, the said collectors shall levy by distress upon non payment thereof, and pay into the hands of such person or persons, as the said justices shall order, to answer the end aforesaid. *Provided always*, that in case the said justices of the respective counties, or any of them, shall neglect the same, then the Governor, or Deputy Governor, and Council, or the major part of them for the time being, shall assess and make such tax, where such default shall be made, and order and do all and every part of this act, which the said justices shall so neglect, that the said gaols and pounds may be made and erected according to the true intent and meaning of this act.

Chap. XII.

An Act for the regular making of Patents for Land.

BE IT ENACTED by the Governor, Council and Deputies now met in General Assembly, and by the authority of the same, that all patents and grants for lands, within this Province, made or hereafter to be made, by and in the name of the Lords Proprietors of the Province of East New Jersey, to any person or persons whatsoever, given under the seal of this Province, and signed by the Governor, or Deputy Governor for the time being, and the major part of the Council for the time being, shall be as good and effectual in law, as if the names of the particular Lords Proprietors of the said Province, where therein particularly inserted. And that all lands to be taken up or granted within this Province, to the Governor or Deputy Governor for the time being, being made as aforesaid, and given under the seal of the Province, and signed by the major part of the Council, for the time being, shall be good and effectual in law as aforesaid.

Chap. XIII.

An Act for raising a Tax for the D. Governor.

WE the representatives having taken into consideration, the expences that the Deputy Governor hath been at since his arrival in this Province, and desiring to offer something according to the present ability of the Province, towards his necessary charges, desire it may be enacted, *And be it enacted* by the Governor, Council and representatives in General Assembly met, and by the authority of the same, that every male within this Province being of the age of fourteen years and upwards, shall pay two shillings per head, which payment shall be made between this and the first of March next ensuing, to the present Deputy Governor, at the Governors house, or any other place within this Province, where

he shall appoint, without any charge to him ; to be paid in country pay in manner as followeth, that is to say, Winter wheat, at four shillings and six-pence per bushel. Summer wheat, four shillings per bushel. Indian corn, two shillings and three-pence per bushel. And pork, fifty shillings per barrel. *And be it further enacted* that the constables in every respective town or division, shall gather the same and pay it as aforesaid, the constable appointing a day for the bringing in of the said rate to the constable, or where he shall appoint, and upon default thereof, distress to be made by the constable, or constables, in the respective towns, by virtue of a warrant from a justice of the peace. And that our plantations, having notice give as abovesaid, shall pay their respective rates to the next adjacent constables, and upon refusal, the next adjacent constables to make distress by warrant as aforesaid, the delinquents paying the charges of the distress. *And be it further enacted* by the authority aforesaid, that every father, master, mistress, or overseer of plantations, shall be and are hereby obliged to pay for their respective servants or slaves. *Provided always, and be it further enacted* by the authority aforesaid, that every father, master or mistress, or overseer, who shall not give in the full number of their heads or persons to be paid for as abovesaid, shall pay for every default in that respect ten shillings for every head not given in ; the same ten shillings for every head to be collected, levyed and paid as aforesaid.

Chap. XIV.

An Act to rectify some Proceedings at Law.

WHEREAS by act of this present General Assembly, amongst other things it was enacted and provided, that not less than six members or justices of the Court of Common Right, should act or determine any matters or things in the said court, which has been found to be troublesome and chargeable. *Be it therefore enacted* by the Governor, Council and Deputies in General Assembly met and assembled, and by the authority of the same,

that from henceforth, on every first day of every term, any two or more members or justices of the said court, may proclaim the said court, and do act and order every thing needful to be acted and done in the said court, (hearing and determining causes on tryal by juries only excepted) and may adjourn the said court to any further day as is usual and customary. And the Governor, or Deputy Governor for the time being, and any other three or more of the said members, or justices, or in his absence any four or more of the said members or justices may sit, hear and determine matters on tryal by juries; any thing in any former act of Assembly, to the contrary thereof in any wise notwithstanding. And to prevent small and frivolous suits to be thereto brought and commenced. *Be it further enacted* by the authority aforesaid, that in all actions on the case, or for trespass, where the jury shall not find and assess damages for the plaintiff, above forty shillings, there shall be allowed against the defendant no more cost than damages. And that in all actions, to be had and commenced in the said court whether for debt or covenants broken, or for trespass, or in actions upon the case, where the jury shall not find debt or assess damages to the sum or value of five pounds, the court shall allow the plaintiff in such case against the defendant moderate costs, not exceeding what is or may be commonly allowed in such cause or cases, in the county courts, in such like cases there tried, heard and determined.

Chap. XV.

An Act concerning the Monthly Court.

WHEREAS in a General Assembly amongst other things there was an act made, that there should be in every town within this Province, a monthly court, consisting of three members to end all small causes of debt, to the value of forty shillings, and finding by experience that one of the three may be absent or have a case depending. *Be it therefore enacted* by the Governor, Council and Deputies now met, and by authority of the same that if any two of the three members shall be present

they may proceed to act ; any thing in the said act, to the contrary in any wise notwithstanding.

Chap. XVI.

An Act to Fine absent Representatives.

BE IT ENACTED by the Governor, Council and Deputy's now met and assembled, and by authority of the same, that every person who shall be hereafter chosen to the place of deputy and representative, and shall omit his appearance, shall pay by way of fine for every day's offence, the sum of five shilling, out of his own proper estate, for the use of the country ; in failure of payment, distress to be made by the Sheriff of the county.

Chap. XVII.

An Act to prevent vexatious delays in Law.

BE IT ENACTED by the Governor, Council, and Deputies now in General Assembly met and assembled, and by authority of the same, that upon any recovery or judgment had or recovered, by any person upon any suit in the Court of Common Right, against any defendant whatsoever, that in case the defendant shall appeal to the King or Council-board in England, and shall not prosecute his or her appeal there, so as to have a judgment, sentence, or decree in such appeal, but shall neglect or refuse to prosecute the same there, to sentence, judgment or decree, according to his or her securities given ; that in such case such appeal shall be adjudged and accounted for vexation and delay only, and such appealant after such his or their default or neglect in that behalf, shall be incapable, and be deprived from bringing, commencing or exhibiting any bill, or suit in the Chancery of the Court of Common Right against the plaintiff in such action, but execution upon the recovery or judgment so had or recovered in the Court of Common Right, shall be issued out without further delay. *Provided al-*

ways, that if any penal bond, or bonds, or other security shall be given by such appeallant for the prosecuting of such appeal, or for not committing waste, that such appealant, or his or her security, being sued or prosecuted at law, upon such bond or bonds, such appellant or his or her security shall or may if they see meet, be at his, her or their liberty or privilege, to apply themselves to chancery for relief in equity against the penalty of such bond or bonds; any thing in this act to the contrary thereof notwithstanding.

Chap. XVIII.

An Act to regulate Treaties with the Indians.

WHEREAS not only the Province of East New Jersey, but of the Provinces adjacent, it has been the laudable usage, practice and custom by order, and with the authority of the Governor of the Province, and not otherwise, to call together, treat, discourse and agree with the Indians, Sachems, and Indian natives, for any tract of land to which they claim a right, in order to peaceable planting and cultivating the same; AND WHEREAS some persons as well out of this Province as inhabitants therein, during the late disorders in this Province, have presumed without order or warrant from the Governor, to call together, treat, discourse, and agree with the Indian natives, and contract for parcels of land, which has not only been occasion of differences, but shews a disrespect to the government; and that such practices for the future may be prevented, and that all treaties with the Indian natives may be managed with reputation to the government, and with safety to the inhabitants thereof, *Be it enacted* by the Governor, Council and Deputies in General Assembly met and assembled, and by authority of the same, that no person or persons whatsoever, do or shall hereafter call together, or assemble the Indian natives, or to enter into any treaty, discourse, or make any agreement with them for any tract of land within this Province, or about any other matter or thing, before such person or persons, have a warrant, licence, or authority for the same in writing, sign'd by the Governor or Deputy Governor for the time being, and given under the seal of this Province; and that upon the making

of any contract, agreement, or purchase for any parcel or tract of land with the Indians, such contract, agreement, and purchase deed, shall be to and in the name of the Lords Proprietors of the Province of East New Jersey, and shall be registered or recorded in the publick books, or records of the said Province. *And be it further enacted* by the authority aforesaid, that no person or persons whatsoever without warrant, commission and authority as aforesaid, shall upon any other pretence whatsoever, convene, call together, or treat with the Indians, nor shall presume for any matter, cause or thing whatsoever to menace, or threaten them with any warrant, reprimand, or open violence to be had, done or made upon them by or under the authority of the government of this Province, or by or with the inhabitants thereof, upon pain of being prosecuted as seditious persons, and as breakers of the King's peace, and publick peace, and safety of this Province.

Chap. XIX.

An Act for defraying the publick Charges of this Province.

BE IT ENACTED by the Governor, Council and Deputies now met and assembled, and by authority of the same, that there be a rate of fifty pounds raised in this Province, to defray the said publick charges, to be paid in winter wheat at four shillings and six-pence the bushel. Summer wheat at four shillings the bushel, Indian corn, at two shillings, and six-pence the bushel. And good merchantable pork, at fifty shillings the barrel, to be levied on each county as followeth viz.

The County of Bergen,	Eleven Pounds.
The County of Essex,	Fourteen Pounds.
The County of Middlesex,	Ten Pounds.
The County of Monmouth,	Fifteen Pounds.

And that the said rate be the more regularly assessed in each respective county, *It is further enacted* by the authority aforesaid, that in each

county six men shall be appointed to assess, and make the rates for the respective counties, and the said six members, or the major part of them, (all having notice) shall equally assess the same upon improved lands and stocks. *And be it further enacted* that all persons within the respective counties, do give in a particular account of their respective improved lands and stocks, unto some one of the persons hereafter mentioned, for making the said assessment, on or before the tenth day of January next ensuing; and for want of such accounts given as aforesaid, the said persons appointed for the said assessment, shall and may assess such persons according to their discretions; and whatsoever person shall not give in an account as aforesaid to the full of what improved lands and stocks, belongs unto him, the said persons so failing shall be assessed three times as much as the general assessment. The persons appointed to make the assessment of respective counties are as followeth.

For the county of Bergen, Capt. John Berry, Hance Dederick Claes, Arents Tores, Enoch Machillson, Hendrick Ivoriss and Mathias Cornelisle.

For the county of Essex, Capt. William Sandford, Benjamin Price, Thomas Johnston, John Curtis, Benjamin Parkis, George Ross.

For the county of Middlesex. Samuel Moore, Samuel Dennis, Capt. John Bishop, John Gillman, James Gilles, and Edward Slater.

For the county of Monmouth. Capt. John Bound, John Frogmorton, Peter Tilton, John Hance, Judah Allen, and Joseph Parker.

Be it further enacted by the authority aforesaid, that the constable of the respective towns and divisions, shall gather the said rates within their respective divisions, and pay the same to the country Treasurer for the time being, (or his order) at or before the first day of March next: The said constable to be allowed out of the said rate, three-pence per pound; and for non payment of the said rate, distress to be made by the constable, by

warrant from a justice of the peace. *Be it further enacted* by the authority aforesaid, that Mr. Henry Lyon, is appointed the Country Treasurer, to receive the said rate, and to give to the constables or collectors discharges for the same, who is to pay the same (and take receipts) as he shall be appointed by the General Assembly ; the said treasurer to be allowed him six-pence per pound to be taken out of the said rates, and to give an account of his receipts and disbursements, when thereunto required by the General Assembly. *And be it further enacted* by the authority aforesaid, that the clerks of the House of Deputies in the year 1680, and 1681 shall be paid out of this rate ; and that the clerk to the Council, and clerk to the Deputies for this present year, shall be allowed four shillings per day, and the clerk to the Council, for transcribing the laws for this present year, shall be allowed ten pounds, all which is to be paid by the said treasurer, out of the aforesaid rates, with other incident charges. *And be it further enacted* that the Deputies for the respective towns for this present year, shall be paid by the respective towns where they have been elected, at or before the first day of March, next at the prices before mentioned, at the rate of four shillings a day, for each Deputy, the members of the Council if any be of any of the respective towns to be rate free of the said rate for the Deputies. *And be it further enacted* by the authority aforesaid, that all towns within this Province, that are in arrear to their respective Deputies before this present year, 1683, shall pay the same at or before the first day of March next, according to the former prices, to the Deputies (viz) three shillings a day for each Deputy, and for the equal assessing the same, the towns to make the said rates ; and if any person or persons, shall be in default of payment of such rate, distress to be made for the same, by the respective constables, by warrant from a justice of the peace. *Be it further enacted* by the authority aforesaid, that all corn-mills, saw-mills, and tradesmen, not having other visible estate, shall be rateable to the country rate.

Chap. XX.

An Act for the Militia.

FORASMUCH as it is requisite, and of necessity amongst all men to be in a posture of defence against enemies or dangers that may accrue, especially by the insolence and outrages of the heathen as of late hath been in our neighbouring colonies. *Be it therefore enacted* by this present assembly, and the authority of the same, that every male within this Province from sixteen years old unto sixty, be provided at his own cost and charge, with a good sufficient firelock, gun, one pound of good powder, twenty four bullets fitted to the gun, a good sword, bandeleers, cartouch box, or horn to carry the aforesaid powder, and that every man be so furnished within three months after the publication hereof, upon penalty of paying for every defect as followeth, (viz.) the first default of a gun, two shillings and six-pence. The second default, five shillings, and so to continue. A sword, one shilling. Bandeleers, cartouch box, or horn, one shilling. Powder, three shillings. Flint, three-pence. Wire, three-pence. Worm, six-pence. And that the serjeant with the corporal, do by order from the commission officer, view arms at least every quarter, or as often as the said officer shall see cause; which said fines, shall be collected by the clerk of the band, with order from the captain, who shall be assisted by a serjeant in the execution thereof, for the use of the company; upon refusal of payment, to be taken by distraint. And that the soldiers may be expert in use of their arms, in the several and respective towns, *Be it further enacted* by the authority aforesaid, that there shall be four days in a year for training, or mustering, two in the Spring, and two in the Fall of the leaf, in each town within this Province; at which times all the males from sixteen years old unto sixty, having sufficient warning from the captain of each company, shall make their appearance in compleat arms, at the time and place appointed for disciplining the said company (excepting magistrates, ministers, deputies, constables) in default whereof for the late coming at the time appointed, every such person shall pay by way of fine, six-pence, for half a

days absence fifteen pence, and for total absence from said training, three shillings; the same to be levied by way of distraint upon refusal of payment as above specified. *And be it further enacted* by the authority abovesaid, that all military officers, to be commissioned by the Governor.

Chap. XXI.

An Act for the Regulation of marking
of Cattle.

WHEREAS some persons do or may presume to mark their cattle by cutting of all and most part of their ears, by which means ill disposed people may defect the marks of others, their neighbours cattle, and appropriate them unto themselves. *Be it therefore enacted* by the Governor, Council and Deputies in General Assembly met and assembled, and by the authority of the same, that no person for the future do presume to mark any horses, mares, geldings, bulls, cows, oxen or hogs, by cutting off, or cropping both their ears. *And be it enacted* by the authority aforesaid, that it shall and may be lawful for any person whatsoever finding any horse, mare or gelding, any such marks, or any bull, ox, or cow, or any hogs, or swine, so mark'd, to shoot down and kill the same. *Provided always*, that this act take effect and be in force, the four and twentieth day of June, now next ensuing and not sooner.

The Lords Proprietors of the Province of East New Jersey.

TO ALL high sheriffs, justices of the peace, Allowance of the foregoing Acts. magistrates, and ministers of justice, and to all freeholders, planters, and inhabitants within the said Province, and to all other persons whatsoever, whom these presents do or may concern, send greeting.

Whereas by the General Concessions of this Province, made and granted the tenth day of February, Anno Domini 1664, by the then Lords Proprietors of this Province, to and with all and every the adventurers and those that should settle here, and given then under the publick seal of this Province, amongst other things, it was then provided and agreed, that the laws to be made by the General Assembly of the said Province, should be in force for the space of one whole year after the making thereof, and no more, unless contradicted by the Lords Proprietors, within which time they should be presented unto them for their ratification, and being confirmed, shall be in full force till expired by their own limitation, or by act of repeal, as by the said General Concessions, yet remaining under the Provincial seal, and entered upon the publick records of the said Province, may more fully appear. And whereas at a General Assembly of the said Province, begun and held at Elizabeth Town, the first day of March, which was in the year of our Lord, one thousand six hundred eighty and two, and there continued by several adjournments thereof, until the fifth day of December, then next following, for the publick weal of the said Province, were made and enacted in the said month of March, and months of May, November, and December, then next following, several acts of General Assembly, viz. in the month of March, eighteen several acts or laws: in the month of May, four several acts or laws: and in the months of November and December, one and twenty several acts or laws, as by the enrollments, or respective records thereof in the said Province, may likewise fully appear; and the said acts or laws having been presented unto us, for our approbation or ratification, and we having fully weigh'd and considered the same, have thought

meet, and do by this our publick instrument or charter, seal'd by the publick seal of the said Province, ratify and confirm all and every the said respective acts or laws of the said General Assembly so made and enacted as aforesaid, and every article, clause or thing in them, and every of them, excepting so much of one act or law, being under the third chapter, made by the said General Assembly, in the aforesaid month of March, as may extend, or be construed to extend, to make or declare Captain Henry Greenland, incapable of bearing any office or charge of publick trust in this Province, or serving as a member of Council or House of Deputy's, he having not in any due course of law, been convicted of any such crime, before or since the passing of that act, the nature whereof may meritt such incapacity to continue upon him ; and we do by these presents grant and declare, that all and every the said acts and laws of the said General Assembly, and all and every clause, article and thing therein, (except before excepted) shall in pursuance of the aforesaid clause of the said General Concessions, be in continual force, till expired by their own limitation, or by act of repeal, made by the General Assembly of this Province. *In witness* whereof, we have caused these presents, to be made a patent under the publick seal of the said Province. And our Deputy Governor, and Secretary, being Proprietors, also resident in the said Province, having our full power in the premises, have subscribed the same. Dated this first day of March, Anno Domini, 1683, and in the six and thirtieth year of the reign of King CHARLES the Second, over England, &c.

GAWN LAWRIE.

THOS. RUDYARD, Secry. and Propr.

To all Christian People and others to whom these Presents shall come, or to whom the Premisses shall or may Concern.

WHEREAS the Lords Proprietors of the Province of East New Jersey, in and by one instrument under their hands and seal of the said Province, have given and granted unto several persons, together with the Deputy Governor thereof, full power and authority for the management of several matters and things, in order to the well settling of the said Province, amongst which they have given and granted full power to the said several persons, together with the Deputy Governor, to approve of, ratify and confirm all such acts or laws, as is or shall be made by the General Assembly of the said Province, which they should find necessary for the public weal thereof. Now know ye, that we the said persons, together with the Deputy Governor of the said Province, having fully weighed, perused, and considered the several acts of General Assembly of the said Province, already made since the first day of March, in the year of our Lord, one thousand six hundred eighty two, by virtue of the said power to us given, do by these presents, ratify and confirm, all and every the said respective acts, or laws, of the said General Assembly so made and enacted as aforesaid, and every article, clause, and thing in them, and every of them, excepting one branch, or clause, in an act as may extend, or be construed to extend, to make or declare Captain Henry Greenland, incapable of bearing any office of trust in this Province; and also one other clause in the act passed for the militia, wherein power is given to the military officers to take distress upon defaulters, which clause, so far as it extends to the people called Quakers, who for conscience sake cannot bear arms, or contribute to the same, we do not confirm, but that the same is void to all intents and purposes, so far as it concerns them; and lastly, excepting one other branch or clause, in an act of General Assembly, entitled a bill to settle the Court of Com-

Another allowance of the said Acts with some further exception.

mon Right, as may extend, or be construed to extend, to enforce the Court of Common Right, to sit and to be held at Elizabeth Town, till otherwise ordered by the General Assembly. AND WHEREAS the said Lords Proprietors, in and by one publick instrument, or charter, seal'd by the seal of the said Province, bearing date the first Day of March, in the year of our Lord, one thousand six hundred eighty three, and subscribed by the Deputy Governor, and Secretary of the said Province, being Proprietors, having full power in the premises, did therein confirm all and every the said acts or laws, excepting so much of the said act concerning the Court of Common Right, as is above excepted, and except as is therein excepted, we do also hereby ratify and confirm the said publick instrument or charter, excepting that branch or clause in the aforesaid act as may extend, or be construed to extend, to enforce the Court of Common Right to sit and be held at Elizabeth Town, till otherwise ordered by the General Assembly, with this further explanation as above, of that clause concerning the militia. Given under our hands and seal of the said Province at Elizabeth Town, this fifteenth day of November, *Anno Domini*, 1684. Annoq. Regni, Caroli Secund, Aug. &c. Vicessimo Sexto. Gawn Lawrie. Thomas Warne. Thomas Fullerton. Geo. Willox, David Muddy. Thomas Gordon. John Barclay. Robt. Fullerton.

See the power herein mentioned of confirming acts in pages 196, and 199.

At a General Assembly begun and held
at the Town of Amboy Perth, in the
County of Middlesex, and in the Prov-
ince of East New Jersey,

*The sixth day of April, Anno Domini, 1686. and in the
Second Year of the Reign of King James the Second, over
England, &c. and there continued by several Adjournments,
until the nineteenth day of the said Month of April, for
the public weal of the said Province, was enacted as fol-
loweth, viz.*

Chap. I.

An Act for qualifying of Jurymen.

WHEREAS it is objected that there is no provision made in this Province, by act of Assembly, what engagement jury men shall take. *Be it enacted* by the Governor, Council and Deputy's in General Assembly met and assembled, and by the authority of the same, that every person or persons summon'd to be upon any juries within this Province, and that for conscience sake cannot take an oath, according to the usual form and manner, shall take this engagement, following (viz.) "You do solemnly promise in the presence of God, that you will true tryal make, and just verdict give in the case depending between the plaintiff and defendant, according to evidence, and the best of your understanding."

Chap. II.

An Act for paying the Deputies Wages.

WHEREAS in a General Assembly held in the year 1682, amongst other things there was an act made that the Deputies for their respective towns, shall be paid by the respective towns where they have been elected four shillings a day ; the Deputies being met and assembled, have seriously considered the said act, and being desirous to ease the charge of the country, in paying great salaries, as much as in us lies, *Be it enacted* by the Governor, and Council and Deputies now met and assembled, and by the authority of the same, that the Deputies for their respective towns, shall be paid by the respective towns where they been elected, three shillings per diem, during the time of their sitting, and to be paid in money, pork, or corn, equivalent, with a reasonable allowance for the time expended, in going and coming.

Chap. III.

An Act altering a Clause of a former Act concerning Fornication, &c.

WHEREAS in the General Assembly held in the year 1682, in an act passed by the Governor, Council and Deputies in General Assembly met and assembled, and by the authority of the same, for the punishment of incest, adultery and fornication, there is a clause, that if any man shall from and after the twenty fifth day of March aforesaid, have the carnal knowledge of the body of any virgin, unmarried woman or widow, with a proviso, that no person or persons be therefore indicted but within six months after the offence committed. Now the said time being so short, and the great difficulty in proving such offence, that many persons may escape the punishment. *Be it therefore enacted* by the Governor, Council and Deputies now met and assem-

bled, and by the authority aforesaid, that any person or persons, being lawfully convicted within eighteen months after the offence committed, shall pay each of them five pounds sterling, to be disposed of to the uses as other fines are directed; and if such person or persons, shall not forthwith pay the said five pounds, then shall be judged to be whiped at the publick whipping place, not exceeding ten stripes on their bare back with a rod or whip, and to be executed by the Sheriff or his order. *Be it further enacted*, that if any unmarried woman shall be with child, and charge it upon any man, and it cannot be legally prov'd, notwithstanding the man shall be forc'd to maintain the child, and the woman shall be whip'd, but in case it can be proved to be the man's child, then he to maintain the child, and pay five pounds sterling, or be whip'd; and further if any woman shall charge a man falsely, she shall have thirty stripes on the bare back, and the town shall maintain the child if the woman be not able to do it; and this to stand in full force and virtue, notwithstanding any law or clause, in any wise formerly made to the contrary.

Chap. IV.

An Act to regulate the passing of Silver.

FORASMUCH as it is daily found by experience, the growth and prosperity of this Province, is much obstructed by the continual draining the silver money, that is most valuable, by persons that come only to trade and carry away the money in specie, without either turning or trading the same amongst the inhabitants of this Province, whereby whatever money persons bring hither from England, or Scotland, or any other part, not knowing the value thereof, it is presently exhausted out of their hands by non-residents, so that the country is not at all benefitted by such silver money, neither is the growth or produce of the Province at all wasted or made use of by such traders, which is a grievance much prejudicial to the inhabitants, and redounds much to the impoverishment of the Province, so that the commo-

dities arising by the growth and produce of the place, are not esteemable by persons bringing commodities from foreign parts, but the best of the coin is carried away for England, and other places as returns, or else pay'd away to neighboring Provinces for their commodities: for the better regulating therefore of this inconveniency, and the future preserving amongst our selves such good bullion that is brought into this Province, and as much as in us lieth, to put a stop to transient traders transporting the money so suddenly out of the Province before it hath been traded withal by the inhabitants thereof. *Be it therefore enacted* by the Governor, and Council and Deputies in General Assembly met and assembled, and by the authority of the same, that from and after the publication of this act, all pillar pieces of eight Mexico or Seville, good silver not weighing less than fourteen penny weights, shall pass as current coin in this Province, at six shillings each piece, half pieces for three shillings four-pence, a double bitt for twenty pence, a single bitt for ten pence, and a half bitt for five pence. That Peru pieces of eight, not weighing less than fourteen penny weight, shall pass at five shillings each piece, and lesser pieces in proportion. That an English crown, which is sterling money, shall pass at seven shillings and one penny each crown, an half-crown for three shillings and six-pence half-penny, a shilling for seventeen-pence; and so in proportion all other sterling money. That a guinea current gold, shall pass for thirty shillings. That a New England shilling, shall pass for thirteen-pence. That all rix dollars coined under Prince electors of Germany, shall pass for six shillings six-pence each peice, and in proportion all the less peices. That all ducatoons, shall pass for seven shillings nine-pence; and in proportion all the less peices. That all Scots coin, called the four mark peices, shall pass for six shillings and four-pence, the quarter peices at nineteen pence, and so in proportion all the less peices. That all French crowns, shall pass for six shillings four-pence each crown, and so in proportion all the less peices. And every peice of eight exceeding fourteen penny weight, shall pass for each penny weight, four-pence more. *Provided always*, that this act shall no ways alter the value of any money, due by contract or otherwise before the publishing hereof.

Chap. V.

An Act to prevent taking away Boats,
&c.

WHEREAS there are many complaints made by the inhabitants of this Province, that they have been very much injured by persons privately taking away boats and canoes, after they are safely landed at the place and places where they have occasion to land, for preservation whereof, *Be it enacted* by the Governor, Council and Deputies in General Assembly met and assembled, and by the authority of the same, that for every small rowing boat, or canoe, that shall be taken away without leave, first had and obtained from the owner thereof, upon conviction before a justice of peace, by one evidence, or his own confession, shall pay twenty shillings for the trespass, and for every day after one day, that such canoe, or boat, shall be detained from the owner, the person so detaining the said boat, or canoe, shall pay five shillings per day, over and above the said twenty shillings, (with reasonable costs of conviction and punishments) to the owner thereof, or being poor and not able to make satisfaction, shall be whip'd on the bare back, not exceeding ten stripes, by the constable or his order, of the town where such conviction shall be had; this act to be in force after publication hereof.

Chap. VI.

An Act to appoint a Market and Fairs
in Perth Amboy.

WHEREAS the inhabitants of this Province have found convenient for the more publick commerce, and vending of such commodities as are produced therein, that it will tend much to the advance of a more general trade, there be appointed a publick market on the fourth day in every week, at the town of Amboy Perth, as likewise two fairs in the year, the first to begin on the first Tuesday in the month of May, and to continue three days, and the

last fair to begin on the first Tuesday in the month of October, and to continue for three days. *Be it therefore enacted* by the Governor, Council and Deputies in General Assembly met and assembled, and by the authority of the same, that there shall be a market held at the town of Amboy Perth, in the county of Middlesex, on the fourth day in every week, and a fair on the first Tuesday in the month of May, to continue three days, and the last fair to begin on the first Tuesday in the month of October, to continue three days, and so yearly. *And be it further enacted* by the authority aforesaid, that the inhabitants of the said town, shall choose themselves a clerk of the market, and keeper of the toll-book, from time to time, as also to see the regulation of due weights and measures, whose fees shall be appointed by the inhabitants of the said town.

Chap. VII.

An Act concerning Swine.

WHEREAS as a General Assembly begun and held at Elizabeth Town, the first day of March, 1682, there was an act concerning swine, and likewise another act, (for further explanation of the said act) made in May, 1683. NOW WHEREAS it is daily experienced by the inhabitants of this Province, that the abovesaid acts, tends much to the impoverishment of the said inhabitants, in regard they are denied liberty of keeping swine, which was great preservation to themselves and families, and help likewise to defray their debts contracted with merchants and others; for the better relief of such persons, *Be it enacted* by the Governor, and Council and Deputies in General Assembly met and assembled, and by the authority of the same, that the aforementioned acts shall stand in force until the last day of October next, and from that day are hereby repealed and made void to all intents and purposes, as if they had never been made. *And be it further enacted* by the authority aforesaid, that every town, village, hamlet, or neighbourhood, or the major part of the inhabitants are empowered, and hereby required to make choice of so ma-

ny persons as they shall think fit, not exceeding seven, to make orders from time to time, such as may be suitable and beneficial for every town, village, hamlet, or neighbourhood, for preventing all harms by swine, in town, meadows, pastures and gardens, in any respect, and to impose penalties according to their best discretions.

Chap. VIII.

An Act appointing some new Commissioners of the Highways.

WHEREAS there was an act made in the year 1682, for the county of Monmouth, to enable Col. Lewis Morris, John Bound, and Joseph Parker, to lay out highways, passages, ferry's, and making bridges and such like; there being three of those persons disenabled for the true performance of the said services, *be it therefore enacted* by the Governor, Council and Deputies now met and assembled, and by the authority of the same, that John Frogmerton, John Slocame, and Nicholas Brown, in the stead and room of Col. Lewis Morris, John Bound, and Joseph Parker, be made capable and hereby invested with the same power to all intents and purposes in the said premises, as the aforesaid Col. Lewis Morris, John Bound, and Joseph Parker, were by the said acts.

Chap. IX.

An Act against wearing Swords, &c.

WHEREAS there hath been great complaint by the inhabitants of this Province, that several persons wearing swords, daggers, pistols, dirks, stilladoes, skeines, or any other unusual or unlawful weapons, by reason of which several persons in this Province, receive great abuses, and put in great fear and quarrels, and challenges made, to the great abuse of the inhabitants of this Province. *Be it therefore enacted* by the Governor, and Council, and Deputies now met in General Assembly, and by authority of the same, that no person or persons within this Province, presume to send any challenge in writing, by word of mouth,

or message, to any person to fight, upon pain of being imprisoned during the space of six months, without bail or mainprize, and forfeit ten pounds; and whosoever shall except of such challenge, and not discover the same to the Governor, or some publick officer of the peace, shall forfeit the sum of ten pounds; the one moiety of the said forfeiture to be paid unto the Treasurer for the time being, for the public use of the Province, and the other moiety to such person or persons as shall discover the same, and make proof thereof in any court of record within this Province, to be recovered by the usual action of debt, in any of the said courts. *And be it further enacted* by the authority aforesaid, that no person or persons after publication hereof, shall presume privately to wear any pocket pistol, skeines, stilladers, daggers or dirks, or other unusual or unlawful weapons within this Province, upon penalty for the first offence five pounds, and to be committed by any justice of the peace, his warrant before whom proof thereof shall be made, who is hereby authorized to enquire of and proceed in the same, and keep in custody till he hath paid the said five pounds, one half to the public treasury for the use of this Province, and the other half to the informer: And if such person shall again offend against this law, he shall be in like manner committed (upon proof thereof before any justice of the peace) to the common gaol, there to remain till the next sessions, and upon conviction thereof by verdict of twelve men, shall receive judgment to be in prison six month, and pay ten pounds for the use aforesaid. *And be it further enacted* by the authority aforesaid, that no planter shall ride or go armed with sword, pistol, or dagger, upon the penalty of five pounds, to be levied as aforesaid, excepting all officers, civil and military, and soldiers while in actual service, as also all strangers, travelling upon their lawful occasions thro' this Province, behaving themselves peaceably.

Chap. X.

An act for maintaining poor Prisoners.

FORASMUCH as there is no law made for maintainance of prisoners that have no visible estate. *Be it therefore enacted*, by the Governor, Council and Deputies now met in General Assembly, and by the authority of the same, that whosoever shall from and after the thirtieth day of May next ensuing, put in prison, or cause to be imprisoned, any person or persons at his or their own suit, that hath no visible or known estate, wherein also the cause of action shall arise, after the said thirtieth day of May, shall for and during the space of three months, pay and allow to the gaoler or keeper of such prison, the weekly sum of one shilling and six-pence, for the maintainance of each person so imprisoned, and for the gaolers trouble and attendance of each person, one shilling each week. *And be it further enacted* by the authority aforesaid, that if such person or persons so imprisoned as aforesaid, shall not within or at the expiration of the said three months, pay all such debt, damages, and costs for which he or they shall be so imprisoned, and also reimburse to the person or persons, who shall give such allowance, all such sum or sums of money, which he or they shall have so expended in maintaining, or giving such allowance, that then and in such case, such person or persons shall become servants to such as shall have so imprisoned and maintained them in prison as aforesaid, or his or their agent or assigns, at such wages as the court by whom such debt, damages and cost was given, shall determine, till the same shall be fully paid and satisfied. *And be it further enacted* by the authority aforesaid, that if any such person or persons so imprisoned, shall from and after the expiration of the said three months, refuse to work, and become servant to such at whose suit he or they were so imprisoned and relieved; that then he or they so refusing shall be continued in prison, and have no other allowance but bread and water only, and that at his or their own expence, till such time as he or

they shall make such service, or pay all such debt, damages, costs and expences as aforesaid.

Chap. XI.

An Act concerning Run-away Servants.

WHEREAS the securing of servants that run away, or otherwise absent themselves from their masters lawful occasions, is found a material encouragement to such persons as come into this country to settle plantations and populate the Province ; for the better encouragement of such persons, *Be it therefore enacted* by the Governor, and Council and Deputies now met in General Assembly, and by the authority of the same, that if any servant or servants, prentices or covenant servants, run-away, or absent him or herself unlawfully from their masters or mistress's service, being taken up or secured, so that the master or mistress hath him or her again, for the better encouragement of such person or persons so securing him or them, they shall have twenty shillings paid him or them, by the master or mistress of such servant being taken up, stopt and brought again, and six-pence for every mile he or they shall be at the pains and trouble to secure and bring him or her back, together with all other charges to be defrayed for his labour and trouble in bringing back and securing of the said servant or servants ; and that the said servant or servants, prentices, or covenant servants, shall again fully satisfy and repay back to the said master or mistress by service or otherwise, all such costs, charges and damages, that the said master or mistress sustains by his or their so running away, as shall be adjudged by two justices of the peace, of the town or county whereto they do belong.

Chap. XII.

An Act for the Court of Common Right to be held at Perth Amboy, and directing Proceedings in Actions brought therein.

WHEREAS by an act of Assembly made See Acts passed in 1682, and 1694. in the month of March, 1682, there is a clause that makes mention that the court of Common Right shall be held four terms in the year, and in another clause in the said act, that it shall be held in Elizabeth Town; the inhabitants of this Province are sensible that Amboy is more conveniently situated, and near the center of the Province, and the most encouraging place for trade and traffick by sea and land, which will occasion great concourse of people. *Be it therefore enacted* by the Governor and Council and Deputies in General Assembly, and by the authority of the same, that the said Court of Common Right, shall be held twice in every year at Amboy, viz. on the second Tuesday in May, and on the second Tuesday in October, and that part in the said clause for holding the said court four times a year at Elizabeth Town, and those parts only, are hereby repealed. *And be it further enacted* by the authority aforesaid, that all publick records shall be kept at Amboy. *And be it further enacted* by the authority aforesaid, that every plaintiff shall when he takes a writ out of the Court of Common Right, at the same time file a declaration, a copy of which shall be sent, together with the writ, to Altered in Acts passed in 1694. the defendant, at least fourteen days before the court, and that the defendant shall enter his plea the day before the court; and that the said plaintiff shall come to a tryal the first term except the court see cause for an imparlance. *Provided always*, this act shall not be in force till the 25th of June next after the date hereof.

Chap. XIII.

An Act for Rates for Highways.

WHEREAS it is provided by act of General Assembly, that such and so many respective persons be appointed in each county for the laying out all highways, bridges, landings, and ferries, in and throughout this Province. And forasmuch, as there is no provision yet made for the empowering the respective inhabitants of each town, or hamlet, to make assessments or rates for defraying the charge of the same, *Be it therefore enacted* by the Governor Council and Deputies now met in General Assembly and by the authority of the same, that it shall and may be lawful to and for the inhabitants of each town or hamlet, and out plantations, in and throughout this Province, by virtue of a warrant from two of the justices of the peace of such town and hamlet, and at such time and times as such justice shall think fit and convenient, convene themselves, meet together and choose four or five of their inhabitants, respectively, who shall and may have power to make such rates and taxes, as well for making and maintaining all highways, bridges, landings, and ferry's, which are or hereafter shall be laid out, by the Commissioners for that end appointed, as also for defraying all other publick charges within their respective limits; and the said rates and taxes so made as aforesaid, shall be presented to the justices of the peace at their quarter sessions, in each county respectively, who shall have power to approve, amend and confirm the same, with consent of the major part of the said persons, as they in their judgment shall think fit. *And be it further enacted* by the authority aforesaid, that if any person or persons shall be in default of payment of such rates, taxes or assessments, distress to be made for the same, by the respective constables, by a warrant from some justices of peace, of such town, hamlet or place where such default shall be made. *And be it further enacted* by the authority aforesaid, that the said persons so to be chosen as aforesaid, shall and may have power, together with the justices at their quarterly sessions, to make such orders touching and concerning fences as they shall see meet and convenient, for the good and benefit of the respective towns or hamlets.

At a General Assembly begun and held
at the Town of New Perth, the sixth
day of April, Anno Domini, 1686,

*And in the Second Year of the Reign of our Sovereign
Lord JAMES the Second, over England, Scotland, France,
and Ireland, and there continued by several Adjournments
thereof, until the twenty ninth day of October following,
and in their last Convention for the public weal of this
Province, was enacted as follows.*

Chap. I.

An Act to repeal a former Act for regu-
lating the passing of Silver.

WHEREAS at a General Assembly begun and held at
the town of Amboy Perth, the sixth day of April
last past, there was an act made and past in the said General
Assembly, for the raising of silver money, above the then
current value in this Province, and it being already found
by experience that many inconveniences may attend the
same. *Be it therefore enacted* by the Governor, Council
and Deputies in General Assembly met and assembled, and
by the authority of the same, that the said act, and every
article, clause, and thing therein contained, be from hence-
forth repealed, and made null and void, to all intents and
purposes as if it had never been made ; any thing in the said
act contained to the contrary in any wise notwithstanding.

Chap. II.

An Act directing the Times and Places
for holding County Courts.

WHEREAS there was an act made the first day of March, 1682. at the General Assembly, begun and held at Elizabeth Town, wherein it was enacted, that from henceforward there shall be held and kept in every county, courts of sessions or county courts: NOW WHEREAS it was enacted that in the county of Middlesex, their sessions shall be held yearly, on the third Tuesday in March, in the publick meeting house in Woodbridge. The third Tuesday in June, at the publick meeting house in Piscataway. The third Tuesday in September, at the publick meeting house in Woodbridge. The third Tuesday in December, at the publick meeting house in Piscataway. The town of Amboy Perth, not being then inhabited, the courts therefor could not be there settled, but for the better encouragement of the said town, *be it enacted* by the Governor, Council and Deputies in General Assembly now met and assembled; and by the authority of the same, that from henceforward, the said courts of sessions, or county courts for the said county of Middlesex, shall be held in manner following, viz. the third Tuesday in the month of December, at the town of Amboy Perth. The third Tuesday in the month of March, at the town of Piscataway. The third Tuesday in the month of June, at the town of Woodbridge. The third Tuesday in the month of September, at the town of Amboy Perth aforesaid, and so to go circularly and successively round; any thing in the said act to the contrary in any ways notwithstanding.

Chap. III.

An Act concerning Sheriffs.

WHEREAS at a General Assembly begun and held at Elizabeth Town, the first day of March, 1682. it was provided, that there should be yearly a sheriff constituted and commissioned for each county within this Province, and notwithstanding the said act, several sheriffs have continued in the said office, some

two years, whereby several inconveniencies may accrue to the inhabitants of this Province. *Be it therefore enacted* by the Governor, and Council and Deputies in General Assembly met and assembled, and by the authority of the same, that from henceforward there be in and throughout this Province, a new sheriff constituted and commissioned in each respective county within the same, yearly and every year, and that also upon the first Tuesday in the month of January. *And be it further enacted* by the authority aforesaid, that if such person who shall be so constituted and commissioned as aforesaid, for the office of high sheriff, for any respective county within this Province, and upon receipt or notice of such commission, shall neglect or refuse within twenty days after, to take upon him the said office, and do not within the said time, make such subscription as is already provided by act of General Assembly of this Province, for the more due execution of his office : that then and in such case the person so refusing or neglecting, shall forfeit the sum of fifteen pounds current money of this Province, to be levied by a warrant from the Governor, or Deputy Governor, of this Province for the time being, of the goods and chattels of such person or persons respectively, so refusing or neglecting as aforesaid : one half of the said fifteen pounds, to be employ'd towards the maintainance of the Government, and the other half or moiety to be and remain to the publick treasury of this Province. *And be it further enacted* by the authority aforesaid, that any sheriff that shall continue in his office above fourteen months, shall forfeit fifteen pounds : and that any man within this Province, which will sue for the said sum forfeit against him or them which in the said manner doth forfeit, or shall forfeit, shall be received and admitted to sue an action of debt in his name, one third to the Governor for the time being, one third to the country, and to him or them that so pursueth the other third. *And be it further enacted* by the authority aforesaid, that whosoever so commissioned, and hath officiated as high sheriff for a year, or paid the fine as above-said, shall be free from the said office again for three years next ensuing.

Chap. IV.

An Act for establishing Fees.

WHEREAS it hath been taken into consideration, the great burthen the several inhabitants of this Province have sustained and complained under, by reason of extraordinary fees paid by them to several officers within this Province ; for the better regulation for the future, and to the intent that all fees and demands of the officers may be made known. *Be it enacted* by the Governor, Council and Deputies now met and assembled in General Assembly, and by the authority of the same, that no officer or officers whatsoever belonging to this Province, and to the courts of the same, shall after publication hereof, exact any other fee or fees, for any business hereafter nominated, than is for the same here under written, but shall pay treble damages with costs of court to the person so exacted from, who shall and may sue for the same, in an action of debt, in any court within the county where such action did arise.

Secretary's Fees.

RECORDING deeds and bills of sale, fifty five lines in a side, in the book of records, three shillings, if more in proportion.

Recording articles of agreement and covenant, four shillings.

Searching a record, nine-pence.

Drawing a deposition nine-pence.

Every caveat, four-pence half-penny.

Drawing a bond obligatory, two shillings.

Proving and recording a will, five shillings.

Letters of administration, eight shillings.

Copy of a will, five shillings.

Letter of attorney, recorded according to the rule for bills of sale, a protest, two shillings and six-pence.

Recording cattle and horses, brought from other Provinces, each head, two-pence.

Licence to draw drink with a bond for good behaviour, five shillings.

Licence to purchase land, two shillings and six-pence.

For making and recording a warrant for survey of land, one shilling.

Recording a return of a survey, two shillings.

Making all patents in parchment compleated and with the seal affixed as followeth, viz.

If under twenty acres, five shillings.

From twenty acres, to sixty acres, seven shillings.

From sixty acres, to one hundred and ten acres, ten shillings.

From one hundred acres, to two hundred, acres, twelve shillings.

From two hundred acres, to three hundred acres, eighteen shillings.

From three hundred acres, to five hundred acres, twenty three shillings.

From five hundred acres, to one thousand acres, thirty shillings. And all upwards of one thousand acres, eight-pence for each hundred acres.

For a warrant of appraisement, nine-pence.

General Surveyor's Fees.

ALL to thirty acres, two shillings and six-pence.
To fifty acres, five shillings.

From fifty to one hundred acres, six shillings.

And to five hundred acres, six shillings each hundred.

From five hundred acres to one thousand acres, two shillings each hundred. And for each other thousand acres in the same tract, twenty shillings each thousand acres, and for odd measure in proportion.

Return of each survey, two shillings.

A copy out of the surveyors record, one shilling.

Clerk's Fees in the County Courts.

WARRANT of appraisement, nine-pence.

Replevin and bond, to make good damage, two shillings six-pence.

Writs of possession, on estate or mortgage, two shillings.

Entering every action, six pence.

- Every writt or summons for arrest, one shilling.
 Entering every declaration on record, nine-pence.
 Drawing every plea and entering the same, nine-pence.
 Every non suit, six-pence.
 Every emparlance, six pence.
 Every commitment in execution, nine-pence.
 Every issue upon record, nine-pence. If long, proportionable.
 Every recognizance, eighteen pence.
 Acknowledging satisfaction, one shilling.
 Every bail bond, one shilling.
 Every judgment confirm'd, nine-pence.
 Every execution, one shilling.
 Every writ of venire facias, nine-pence.
 Every scirefacias to receive a judgment, nine-pence.
 Engaging every evidence, six-pence.
 A warrant for witness, nine-pence.
 A warrant of contempt, nine-pence.
 The Courts of Common Right, half as much more.
 The inferior courts, half as much as the county courts.

Sheriffs Fees in the County Court.

ARREST and return, one shilling and nine-pence; if above a mile, four-pence a mile from the Sheriffs house to the place where the defendant is arrested.

Bail bond, if special bail, one shilling.

Warning the panel each action, one shilling.

Serving execution, two shillings; if above a mile four-pence a mile.

Release upon a commitment, nine-pence.

For calling every action, one shilling.

Bond and taking security for a person arrested, one shilling.

For an arrest as water bailey, six shillings.

For the members of the county court each action, seven shillings and six-pence.

For the members of the Court of Common Right, half as much more.

If called and not try'd half fees.

For the jurors each action, twelve shillings. If called and not try'd half fees.

Gaolers Fees.

TURNING the key in and out, eight shillings. For the seal of the Province five shillings, to all instruments, except commissions and to patents.

Chap. V.

An Act for all transitory Actions not exceeding five Pounds, to be try'd in the County Courts.

WHEREAS it may be inconvenient for the inhabitants of this Province, to appear and answer at the Court of Common Right, for small debts, not amounting to five pounds, for the prevention whereof, *be it enacted* by the Governor, Council and Deputies, now met and assembled, and by the authority of the same, that all transitory actions, not exceeding five pounds, shall be try'd in the county courts of that county, where the cause of action did arise. *Always provided*, this act shall not any ways infringe the court of small causes already established, or any charter heretofore granted.

A Proclamation.

THE Governor and Proprietors, of the Province of East New Jersey. To all his Majesty's judges, justices of the peace, sheriffs, constables, and other magistrates, and ministers of justice, and to all other the freeholders, planters and inhabitants of the said Province, sendeth greeting. WHEREAS at a General Assembly begun and held at the town of Amboy Perth, in the county of Middlesex, the twentieth day of October last past, for the publick welfare of the said Province, sundry acts were then past, (viz.) one act for repealing of a former act, for the raising of the value of money in this Province, one act touching the court of sessions in Middlesex County, (to wit)

that the next court of sessions should be held at the town of Amboy Perth aforesaid, upon the third Tuesday in this instant, month of December, &c. one other act touching the office of sheriff, with a penalty upon such as shall refuse a commission for that office &c. one act for settlement of the secretaries, and other officers fees ; and lastly one other act, that all actions not exceeding five pounds, shall be tryed in the court of sessions, where the fact shall arise : Now these are to give notice, publish and make known unto all persons concerned, that the said acts of General Assembly made as aforesaid, and every article, clause and thing therein contained, are in full force and virtue, and shall be so judged, deemed, and esteemed in all and every court and courts within this Province, against any such person or persons who shall presume to act contrary or not obey the same. Given under the seal of the said Province, this eleventh day of December, Anno Domini, 1686. *Annoq. Regni, Regis, Jacobi, Secundi, Angliæ, &c. Secundo.*

NEILL CAMPELL.

At a General Assembly begun and held at the Town of Perth Amboy, in the County of Middlesex, the Fourteenth day of May, One Thousand six Hundred Eighty and Eight,

And in the fourth Year of the Reign of our Sovereign Lord JAMES the Second, over England, Scotland, France, and Ireland, King, and there continued by several Adjournments thereof, until the Twenty fourth Day of the said Month of May, for the publick weal of the said Province, was enacted as follows.

Chap. I.

An Act for Warning of Juries,
by leaving a Summons at
Persons Houses.

FORASMUCH as the Sheriffs of this Province have found it very troublesome in personal summoning of juries, by reason whereof they have often been forced to take or summon persons not altogether so capable as otherwise they could have desired, *Be it therefore enacted* by the Governor, Council and Deputies now met in General Assembly, and by the authority of the same, that any sheriff or bailiff, or any corporation officers, that shall be required by the authority of this Province, to summon either grand or

petty jury to appear in any court within the same, that such officer leaving a summons in writing at any person or persons house, or usual place of abode, within his bailwick, and that at least four days before the first day of such court to which they are to appear upon any jury, such summons shall be deemed and esteemed, and shall be as good and effectual in the law as if such person or persons had been personally summon'd. *Provided always*, and it is to be understood, that this act shall not be extended against any person or persons who shall be out of such bailwick the whole four days, as aforesaid, upon his lawful occasions.

Chap. II.

An act for a Court of Small Causes for
the out Plantations in Bergen County,
and another for Acquickannick, and
New Barbados.

FORASMUCH as the inhabitants of the out plantations of the county of Bergen and of Acquickanick, and New Barbados, in the county of Essex, having made frequent complaint of the daily loss they sustain for want of a monthly court, or court of small causes in each respective place, as is already granted in each town in and throughout this Province. *Be it therefore enacted* by the Governor, Council and Deputies now met in General Assembly, and by the authority of the same, that for the orderly hearing and determining all matters, and cases of controversy between party and party, and for the due execution of the laws, that after publication hereof, there shall be held at the house of Lawrence Andriss of New Hackensack, in the said county of Bergen, a monthly court, or court of small causes, upon the second Wednesday in every month, for the ending of all differences between party and party, to the value of forty shillings, and under the said court to be held after the same forms and methods as are prescribed in former acts of Assembly, for courts of small causes in every the respective towns within this Province. *And*

be it further enacted by the authority aforesaid, that there shall be also held at the house of Doctor Johannes, upon Hackensack river, in the said county of Essex, upon every first Wednesday in every month, the like court of small causes for the ending of all differences of the like nature, amongst the inhabitants of Acquickanick, and New Barbados, aforesaid.

Chap. III.

An Act for dividing the County of Middlesex, into two Counties.

FORASMUCH as the uppermost part of Rariton river, is settled by persons whom in their husbandry and manuring their land, forced upon quite different ways and methods from the other farmers and inhabitants of the county of Middlesex, because of the frequent floods that carry away their fences on their meadows, the only arrable land they have, and so by consequence their interest is divided from the other inhabitants of the said county. *Be it therefore enacted* by the Governor, Council and Deputies now met in General Assembly, and by the authority of the same, that the said uppermost part of the Rariton, beginning at the mouth of the Bound brook, where it empties itself into the Rariton river, and to run up the said brook, to the meeting of the said Bound brook with the Green brook, and from the said meeting to run upon a north west line into the hills, and upon the south west side of Rariton, to begin at a small brook, where it empties itself into the Rariton, about seventy chains below the Bound brook, and from thence to run upon a south west line to the uttermost line of the Province, be divided from the said county of Middlesex, and hereafter to be deem'd, taken, and be a county of this Province; and that the same county be called the county of Somerset; any statute, law or usage, to the contrary hereof in any ways notwithstanding.

Chap. IV.

An Act for a Tax to withstand Invasion.

WHEREAS we have received a copy of the Kings Majesty's letter from the Governor of New York, to him directed, whose date is the tenth day of November, 1687, and in the third year of his said Majesty's reign, whereby his said Majesty, hath given power to his said Governor, that in case it should happen that the French should invade his Majesty's territories, he should call upon the neighbouring Governors and Proprietors, for their aid and assistance against them. We the representatives, in General Assembly met and assembled, having due sense and regard of our duties and allegiance to our Sovereign Lord the King, as also of the defence of our own and our neighbouring Provinces of New York, pray that it may be enacted. *And be it enacted* by the Governor. Council and Deputies in General Assembly met and assembled, and by the authority of the same, that for the service of his said Majesty against the French, under the command of his Governor of New York, one penny on the pound shall be raised on the estates within the said Province, in such manner and form as is herein after expressed, viz. that all lands (excepting only the lands of the Proprietors unsettled) shall be rated and valued at ten pounds per hundred acres, and so for a greater or lesser quantity, according to the same rate and proportion. Every ox of four years old and upwards, shall be valued at four pounds. Every cow three years old and upwards, three pounds. Every and all younger cattle being three years old, at three pounds per head. Every and all two years old, at two pounds per head. All and every yearling, at one pound per head. All horses and mares, three years old, and upwards, at three pounds; two years old at two pounds, and one year old, at one pound, and younger cattle of any sort not to be stated. All swine above a year old, ten shillings. *And be it further enacted* by the authority aforesaid, that all and every male above sixteen years old, residing and inhabiting within

the said Province, shall pay each and every of them ten pence per head. All which rates as well on land, cattle, horses, swine and males, shall be paid in such or any of the species, at such prices as herein is after set down viz. In good merchantable winter wheat, at four shillings per bushel. In merchantable Indian corn, at two shillings per bushel. Merchantable butter, at six-pence per pound. Merchantable pork, at two pence half penny per pound. Merchantable beef, at two-pence per pound. Good and merchantable tobacco, at two pence half-penny per pound. All which shall be paid to such persons as shall be herein nominated and appointed to receive the same, in the month of November now next ensuing. And for the levying and collecting of the said rates, *be it hereby enacted* by the authority aforesaid, that in each and every county within this Province, commissioners shall and are hereby appointed, who, or any two of them, shall and may hear, judge and determine, whether each or any person rateable by this act, have given in to the full of their estates; and in case any person hath not given in the full, or shall refuse or delay to deliver in the estimate of the same, to such person or persons as shall hereafter be nominated, that then the said commissioners, shall and may value and rate the same at their discretion. And the commissioners appointed by this act, are for the county of Middlesex, Mr. Samuel Dennis, Mr. Benjamin Griffith, Mr. Edward Slatter. For the county of Monmouth, Eliatum Wardall, Samuel Dennis, and Thomas Cook. For the county of Essex, Mr. John Curtis, Mr. Benjamin Price, and lieutenant John Waird. For the county of Bergen, Mr. Samuel Edsall, Mr. William Lawrence, and Mr. Thomas Lawrence. For the county of Somerset, Mr. John White, Mr. James Dundass, and Mr. John Campbell. *And be it further enacted* by the authority aforesaid, that on or before the last day of June, now next ensuing, all and every person or persons, their attorneys or agents, residing within this Province, shall give in a full and true estimate of their estates in particular, whether lands, cattle, horses, hogs, and heads, in writing, under their hands to the constables herein after named, that is to say the town of Piscataway, and the out planta-

tions on the south side of Rariton from the South river to the county of Somerset, to the constable of Piscataway, the city of New Perth, and the out plantations from Cheesqueaks to the south river, to the constable of New Perth, aforesaid. The town of Woodbridge, and all the out plantations in the county of Middlesex, not afore named, to the constable of the said town of Woodbridge. The town of Middletown, and the out plantations nearest thereto adjoining, to the constable thereof. The town of Shrewsbury, and the out plantations nearest thereto adjoining, to the constable of the same town. Elizabeth Town, and the out plantations thereto adjoining, to the constable of the same town. The town of Newark, and the out plantations thereto adjoining, to the constable of the said town. The plantations of Acquikanick, and New Barbados, to their constables. Hackensack and their out plantations thereto adjoining, to the constable of Hackensack. The town of Bergen, and their out plantations, to the constable of the said town. The county of Somerset, to the constable of that county. Which several and respective constables are hereby impowered and strictly charged and commanded, on or before the third day of July next, to deliver unto the respective commissioners for that county, for which they are constables, or any one of them, such particular estimates as they shall have received from each person; and if they know of any person or persons, that have not brought in the same to them, they are to acquaint the respective commissioners of their defaults, that such further act or acts may be made and done by the said commissioners, as by this act they are impowered. *And be it further enacted*, that for the receiving of the rates in this act mentioned, every person or persons, shall in the month of November, now next ensuing, bring into the treasurers of each county their several and respective rates of the several places hereafter named, and the treasurer of each county, are Benjamin Griffith, for the county of Middlesex, at the city of New Perth. Lewis Morris, for the county of Monmouth, at his house. For the county of Essex, Nathaniel Ward, at Newark. For the county of Bergen, Samuel Edsail, at his house. For the county of Somerset, Mr. John Injoints, at his house. And forasmuch as some

persons may refuse or delay the payment of their several and respective rates, to the several and respective the treasurers afore named. *Be it enacted* by the authority aforesaid, that if any persons shall refuse or delay the payment of the same, after the last day of November aforesaid, that then immediately the several and respective the treasurers, are hereby commanded to make the same known to the respective commissioners, or one of them, for that county for which he is the treasurer; which commissioners, or any two of them, are hereby impowered to make out their warrants to the several and respective constables, commanding him or them to make distress upon the defaulters goods and chattels, and to make sale of the same, and return the rates of such defaulters to the treasurer of that county, and pay themselves such charges in making such distress as the said commissioners shall judge fit and reasonable, out of the overplus of the rate, and to return the overplus of the rate and charges for the distraining the same, (if any such be) to such persons from whom such distress shall be made as aforesaid. *And be it further enacted* by the authority aforesaid, that after the last day of November aforesaid, the Governor or Deputy Governor of this Province, shall and may by warrant, under his hand, and seal'd with the seal of the Province, command all or any of the treasurers aforesaid, to account with him for the execution of their office by this act, and to deliver for the uses aforesaid, to such person or persons as he therein shall direct, all and every the goods, wares and merchandizes, or money, which he or they shall have received by force and virtue of this act; any thing herein contain'd to the contrary hereof notwithstanding. *And it is hereby further enacted* by the authority aforesaid, that each the treasurers shall have and receive out of the species, he shall receive by virtue of this act, for his care, pains, and storage, eight per cent to his own proper use.

Chap. V.

An Act to impower the Inhabitants of
New Barbados, and Hackinsack, to
build Pounds.

WHEREAS there is no provision made by act of Assembly, to impower the inhabitants of the out plantations of New Barbadoes and Hackinsack, to erect and build a pound in the respective out plantations, *be it therefore enacted* by the Governor, Council and Deputies in General Assembly met, and assembled, and by the authority of the same, that there be a pound in the respective out plantations of New Brunswick and Hackinsack. *And be it further enacted* by the authority aforesaid, that the constables of each of the said plantations, by warrant from the next justice of the peace for that end to be granted, shall have power to employ workmen for the building of and erecting the said pounds, the charge whereof to be paid by the inhabitants of each of the respective out plantations.

Chap. VI.

An Act concerning small Causes.

WHEREAS at a General Assembly, begun and held at Elizabeth Town, in the county of Essex, in the month of March, 1682, a court of small causes, or monthly court was establish'd for the tryal of all cases to the value of forty shillings or under ; nevertheless many persons have taken liberty contrary to the good intent of the said act, to trouble their neighbours, by commencing suits of debts under the denomination of actions of trespass upon the case in the county courts, or courts of sessions, wherein the sum due has been found to be under the value of forty shillings ; for prevention whereof *be it enacted* by the Governor, Council and Deputies now met in General Assembly, and by the authority of the same, that if any person or persons, shall (after publication hereof) bring or commence any action or actions whatsoever, in any of the courts

of sessions or county courts, in and throughout this Province, wherein upon tryal, the debt or damages assest in such action or actions, shall not exceed the sum of forty shillings, that then and in such case, the said court wherein the same shall be try'd, shall allow to such plaintiff no costs of court, excepting in such cases where such plaintiff shall make it appear before the justices of such court, that the defendant hath refused to come to an account, or to refer the same to two indifferent persons in the neighbourhood. *And be it further enacted* by the authority aforesaid, that in all causes and cases whatsoever, and at all times, when and so often the messenger of any of the courts of small causes in and throughout this Province, shall from and after publication hereof, take the body of any person or persons in execution, for any sum or sums of money by virtue of any precept of such court, that then and in such case, the sheriff of such county is hereby required, to take and receive from such messenger, all such person or persons, and them safely keep in close prison until he or they shall pay all such debt, damages, and costs of court as hath been recovered against them, and for which he or they are taken in execution.

Chap. VII.

An act concerning Horses and Cattle.

WHEREAS at a General Assembly begun and held at Elizabeth Town, in the county of Essex, the first day of March, 1682, amongst other things it was enacted, that no person should for the future presume to mark any horses, mares, geldings, bulls, cowes, oxen, or hogs, by cutting off or cropping both their ears. And forasmuch as some persons in this Province not well and truly understanding the said act, have since the making thereof without any design of fraud or deceit, and not in contempt of the said act, cut off the tips of both ears. *Be it therefore enacted* by the Governor, Council and Deputies now met in General Assembly and by the authority of the same, that it shall not be lawful for a.

ny person or persons in and throughout this Province, to shoot down any such horse, mare, gelding, bull, cow, ox, or hog, mark'd as aforesaid, before the publication of this act. Nevertheless for the future, it is herby to be understood, that no person or persons, shall hereafter mark any such cow, horse, hog, gelding, bull, &c. under the penalty mentioned, in the said act made as aforesaid.

At a General Assembly begun and held
at the Town of Perth Amboy, in the
County of Middlesex, and Province of
East New Jersey,

On the Twenty Eighth Day of September, in the Fourth Year of the Reign of our Sovereign Lord and Lady WILLIAM and MARY, over England, &c. King and Queen, Anno Domini, 1692, and there continued by several Adjournments thereof, until the sixth of October following for the publick Welfare of the said Province, it was enacted as follows, viz.

Chap. I.

An Act for repealing of some former Acts
with the Clause of an Act and the Rati-
fication of all other former Acts of
General Assembly.

BE IT ENACTED by the Governor Council
and Deputies now met and assembled in Gene-

ral Assembly, and by the authority of the same, that the act for regulation of ordinaries, made in the month of March 1682, and the act for raising of money, made and enacted in the month of May 1688. And that clause in the general laws of this Province made in the month of March, 1682, which releases the obligation of marriage upon a womans absenting herself six months without her husbands consent, be henceforth repealed, and made null and void to all intents and purposes, any act or clause of an act heretofore made and enacted to the contrary in any wise notwithstanding. *And be it further enacted* by the authority aforesaid, that all acts of General Assembly that have been made and enacted since the Assembly begun and held at Elizabeth Town, in this Province of East New Jersey, the first day of March 1682, to the last act made and enacted in the last General Assembly, begun and held at Perth Amboy, the fourteenth day of May 1688, inclusive, be hereby ratified and confirmed; and by the authority aforesaid, are declared to be hereby ratified and confirmed to all intents and purposes, excepting only such acts of General Assembly as have been formerly repealed, and the abovesaid acts and clause of an act now hereby repealed; any act or clause of an act heretofore made and enacted to the contrary in any wise notwithstanding.

No Act of that Month for regulating Ordinaries is Recorded, but there is one such in Acts passed 1682, which was the same Session, so it must be that which is repealed.

Chap. II.

An act moderating a Feme Covert's Obligation to acknowledge her Deed, in conveying her Estate before the Court of Common Right.

WHEREAS in an act formerly made in the month of March, in the year 1682, there is a clause obliging a feme covert to come before the Court of Common Right, there to acknowledge her deed in conveying her estate, which is found to be greivous and inconvenient. *Be it therefore enacted* by the authority aforesaid, that a feme covert's making such acknowledgement before any one or more justice or justices of the peace within this Province, shall be henceforth good and effectual in

law ; any act or clause heretofore made and enacted to the contrary in any wise notwithstanding.

Chap. III.

An act moderating the Penalty on such
as disorderly mark their own Horses,
Mares, Geldings or Colts.

WHEREAS at a General Assembly begun and held at Elizabeth Town in December, *Anno Domini* 1682. there was an act passed, entitled an act to regulate abuses in taking up horses, the penalty therein of twenty pounds, (for disorderly marking horses, mares, geldings or colts) being found two grievous on such that mark only their own, therefore for redressing of said grievance. *Be it enacted* by the Governor, Council and Deputies in General Assembly now met and assembled, and by the authority of the same, that in stead or lieu of the said twenty pounds penalty, (for any so marking their own horses, mares, geldings or colts) there shall be no greater penalty than fifty shillings, imposed on such offender or offenders : and no person or persons whatsoever shall be deem'd, or accounted an offender or offenders in this matter by this act, that shall mark his or their own horses, mares, geldings or colts, before or in presence of a justice of peace, constable or chief ranger, or two of his honest neighbours : any act or clause in any act heretofore made and enacted to the contrary thereof in any wise notwithstanding. *And be it further enacted* by the authority aforesaid, that no person or persons whatsoever within this Province, shall after publication hereof, be lyable to be prosecuted or drawn into question for having mark'd his or their own horses, mares, geldings or colts, any time within the four years last past, tho mark'd not agreeable to the former act of Assembly ; any act or clause in any act to the contrary thereof in any wise notwithstanding. *Provided* this act shall not be construed or intended to make void any judgment already given. *Provided always*, that such person or persons, who shall so mark his or their own hor.

ses, mares, geldings or colts, shall within fourteen days thereafter, bring to the chief ranger, a certificate under the hands of the said two honest neighbours, of their being witnesses to the marking aforesaid.

Chap. IV.

An Act declaring all Conveyances of
Land made by Attorneys, shall be
good and effectual in Law.

WHEREAS the Proprietors of this Province, and other persons residing in England, Scotland, and other places, who have interests and estates of land within this Province, have by letter of attorney constituted, appointed and impowered their respective agents and attorneys, for selling, exchanging, and otherways conveying or disposing of their respective lands within the said Province, and that the intentions of those who have granted such letters of attorneys may not be frustrated or disappointed, and the purchasers secured in their purchase, *be it therefore enacted* by the Governor, Council and Deputies now met and assembled in General Assembly, and by the authority of the same, that all deeds and conveyances made by attorneys, constituted, appointed and impowered by the Proprietors, or any other persons owners of any land in this Province, for selling, exchanging, or otherways disposing and conveying of their land here, whose letter of attorney be entered on the publick records of this Province, shall be good and effectual in law, to all intents and purposes, and are hereby declared good, firm and effectual in law as aforesaid.

Chap. V.

An Act for the further encouragement
for the killing of Wolves.

WHEREAS there was an act made for killing of wolves, and the party killing them, allowed thereby fifteen shillings to be paid by the

country, but finding the said fifteen shillings not sufficient enough to encourage the destruction of wolves, do hereby pray that it may be enacted. *And be it enacted* by the Governor, Council and Deputies in General Assembly now met and assembled, and by the authority of the same, that if any inhabitant of any town in this Province, shall kill any wolf in any town bounds, the head or heads thereof being brought to the constable, or town clerk of each town, which constable or town clerk shall give the person that hath killed the wolf or wolves, a receipt to signify the same, and the person or persons that hath killed the wolf or wolves, shall have paid to him or them, by the inhabitants of each respective town, where the wolf or wolves shall be killed, the sum of fifteen shillings, (except the county or town of Somerset, which shall pay only seven shillings) besides the fifteen shillings to be paid by the county. *And be it further enacted* by the authority aforesaid, that all persons that shall kill wolf or wolves, shall have power hereby to retain or keep so much money in their hands, as their respective rates shall come to, and the remainder, if any shall be, justly paid them by the person or persons as receive such county and town rates.

Chap. VI.

An Act prohibiting selling of strong Drink or Liquors to the Indians.

WHEREAS the selling of strong drink or liquors to the Indians, hath occasioned much mischief and trouble within this Province, and the laws concerning the same, have hitherto proved ineffectual, partly under the notion of selling strong liquors in moderation, it hath been sold immoderately, by which means many mischiefs and ill consequences have followed both to themselves and their Majesty's subjects in this Province, and partly because a pecuniary mulct, hath not hitherto deterred severals from selling to them immoderately as aforesaid. *Be it enacted* by the

Governor, Council and Deputies in General Assembly met and assembled, and by the authority of the same, that whatsoever person or persons shall directly, or indirectly, sell, truck, trade, or any other way procure to, or for any Indian or Indians, or any way furnish them, or any of them, with brandy, rum, wine, syder, strong beer, or any other strong liquor whatsoever, shall, being thereof lawfully convicted, besides paying costs of court, receive for the first offence, five lashes on the bare back ; for the second offence ten lashes on the bare back ; for the third offence, fifteen lashes on the bare back ; for the fourth offence, twenty lashes on the bare back ; and so many and no more for every such offence thereafter ; the said corporal punishment of whipping to be inflicted by order of the court.

Chap. VII.

An Act for settling a Standard of Weights and Measures within this Province.

WHEREAS the want of a standard for weights and measures, is found very grievous and inconvenient. *Be it therefore enacted* by the Governor, Council and Deputies in General Assembly, now met and assembled, and by the authority of the same, that there be standards made and provided for measures, both wet and dry and measures of length, and for weights according to the standard of England ; and the Governor for the time being, to appoint one or two honest men, in every county within this Province, to mark and seal all such measures and weights, as shall be from time to time, brought to him or them, for which he or they shall receive the fees following, viz. for marking and sealing of every bushel, half bushel or peck, six-pence per piece ; for marking or sealing every wine or beer quart-pot, or every lesser measure, two-pence per peice ; for marking and sealing every yard, two pence ; for marking and sealing every pound weight, (troy or averdupoize) for every lesser weight, one penny per

peice ; every half quarter of a hundred weight, two-pence ; every quarter of a hundred weight, three-pence ; every half of a hundred weight, four-pence, and every hundred weight, six-pence. *And be it further enacted* by the authority aforesaid, that within three months after the said standards are made and published, no person or persons within this Province, shall buy or sell by wholesale or retail, with any measures or weights whatsoever, but what shall be and are marked and sealed as aforesaid, under the penalty of ten shillings for every default, to be convicted before a justice of the peace, and levied by his order, one third part thereof to the informer, and the remains to the treasurer for the use of the country. *And be it further enacted* by the authority aforesaid, that all and every barrel made and used within this Province, for syder, beer, pork, beef, train-oil, tarr, &c. shall be branded with the maker's mark, and shall not contain under one and thirty gallons, nor above two and thirty gallons, under the penalty of the forfeiture of such barrels, to be seized for the use of the county ; and that syder shall be retailed by beer measure after publication hereof. *Provided always*, that all stilliards that are good and just, and approved of by the persons aforesaid, are permitted to be used ; any thing in this act to the contrary in any wise notwithstanding.

Chap. VIII.

An Act for regulating of Ordinaries, and raising Excise upon strong Liquors.

FORASMUCH as there is great exorbitances and drunkenness observable in several towns in this Province, occasioned by tollerating many persons in selling drink in private houses, which is much to the dishonour of God, impoverishing of the common wealth, and wrong to several persons licenced by authority to retail. *Be it therefore enacted* by the Governor, Council and Deputies now met in General Assembly, and by the authority of the same, that

no person or persons in any town within this Province, shall be suffered to draw and sell by retail, any manner of strong drink, &c. brandy, rum, spirits, or wine, under the quantity of one gallon, and of beer, and syder, under the quantity of one barrel, directly or indirectly, upon the penalty of paying five pounds fine for every such offence, being lawfully convicted before the county court, wherein the fact doth arise, besides costs of court, one third part to the informer, and the other two thirds to the treasurer of the county for the time being, to be nominated and appointed by the justices at the quorum sessions in every county, to be held in the month of December yearly, according to the act of Assembly ; which treasurers are to continue for the space of one year, and no longer, unless continued by after commission ; excepting always from this act, such persons who are licenced to retail wine, brandy, rum, and other spirits, syder, and beer, or other strong liquors by the justices of the county courts ; the said persons so licenced being bound before the said justices in a recognizance of twenty pounds for their orderly house-keeping, to be consigned in the hands of the clerk of the peace, in such county where the licence is given, and the licence and recognizance, to be renewed once every year. *And be it enacted* by the authority aforesaid, that there shall be an excise upon all licenced retailers of strong liquors, viz. four shillings upon each barrel of beer, and syder ; and twelve-pence per gallon upon wine, brandy, rum, metheglin, and other spirits, &c. retailed, and the retailers to keep account thereof upon oath, excepting the persons so retailing shall agree with the justices at the said county courts, for a certain sum by the great, which they are hereby impowered to do to be paid into the respective treasurers, who are hereby impowered to be collectors of the same : And the justices of the several county courts, are hereby impowered to set the prices upon all sorts of liquors so retailed, from one session to another ; the said justices also are hereby impowered to appoint the number of retailers sufficient for every town.

Chap. IX.

An Act for dividing each County into Townships.

WHEREAS by act of General Assembly in the month of March 1682, this Province was divided into counties, for the better governing and settling courts in the same, but whereas several things is to be done by the inhabitants of towns, hamlets, tribes or divisions, within each county, as chusing of deputies, constables, &c. taxing and collecting of several rates for publick uses; the making orders amongst themselves respectively about swine, fences, &c. and whereas a great many settlements are not reckoned within any such town or division, nor the bounds of the reputed towns ascertained, by means whereof the respective constables knows not their districts, and many other inconveniencies arising from thence. *Be it therefore enacted* by the Governor, Council and Deputies now met and assembled in General Assembly, and by the authority of the same, that each county within this Province, shall be subdivided into townships, tribes or divisions by certain bounds and limits; and that the inhabitants of each county, are hereby authorized and impowered at a county meeting to be appointed for that end by warrant from two justices of the peace, or one of the quorum, who are hereby empowered to grant the said warrant, to set and ascertain the limits and bounds of each and so many towns or divisions as they or a committee chosen by them the said meeting shall see meet. *Provided* they shall give in their returns respective of such division, to be recorded in the publick records of this Province, before the twenty-first day of this instant October, *Anno Domini*, 1692. *Provided always* that this shall not be understood to alter the limits and bounds of such towns, as are already ascertain'd by particular charters, &c. *Provided also*, that when any county shall hereafter come to be better settled and inhabited, this shall not be understood to hinder other subdivisions to be made, upon application to the General Assembly to that effect.

Chap. X.

An Act for raising of Money for their Majesty's Service.

WHEREAS there hath been for some years past a great war between the two crowns of England and France, and the same doth still continue, the effect whereof have fallen heavy upon our neighbours of New York ; we the Representatives in General Assembly met and assembled, being sensible of the duty and allegiance we owe to their Majesty's, the brotherly love to our neighbours, and the due defence of our selves, do therefore enact, *and be it enacted* by the Governor, Council and Deputies in General Assembly now met and assembled, and by the authority of the same, that for the service of their Majesty's and defence of ourselves and neighbours against our common enemies, there be raised and levied on the poles and estates within this Province of East New Jersey, the sum of four hundred pounds, in such form and manner as is hereafter express'd, viz. that all and every male residing and inhabiting within this Province, householders of sixteen years old and upwards, and all their male children, their servants by indentures, and slaves of the same age, shall pay each and every of them two shillings per head ; and all males of sixteen years old and upwards, non householders, nor having estates in land, shall pay four shillings per head ; and all females of sixteen years old and upwards, shall pay one shilling per head, in case the said pole money will not make up the said sum of four hundred pounds. *Be it therefore enacted* by the authority aforesaid, that cattle, swine, horses, and land be rated and valued, and the complement of the said four hundred pounds, equally laid thereon, that is to say every ox of four years old and upwards, shall be valued at three pounds ten shillings ; every cow of three years old and upwards, at two pounds ten shillings ; every steer of three years old and upwards, at three pounds ; younger cattle of two years old and upwards, at forty shillings ; and one year old and upwards, twenty shillings per head ; all and every horse and mare of three years old and upwards,

at three pounds per head ; two years old, at forty shillings ; and year olds, at twenty shillings per head ; all swine of two years old and upwards, at fifteen shillings ; and of one year old and upwards, ten shillings per head ; all meadows, pasture land, and arable or plow'd land, shall be rated and valued at ten pounds per hundred acres ; and all other lands laid out and patented, (except only the proprietors land unsettled) at five pounds per hundred acres, and so proportionally for a greater or lesser quantity. *And be it further enacted* by the authority aforesaid, that in each county two commissioners (excepting the county of Somerset, which shall have but one) be and hereby are appointed, who are to receive from the respective constables of each town, the rates and value of the inhabitants estates of cattle, swine, horses, and land : And in case any person or persons, shall refuse to give in to the full of their estates, to the respective constables hereafter nominated, then the said commissioners shall value such persons estates at their discretion. The several commissioners are, for the county of Middlesex, Edward Slater, and Thomas Pike. For the county of Monmouth, William Lawrence, jun. and Lewis Morris, senior. For the county of Essex, Zopher Beach, and Elias Mc'Kilson. For the county of Somerset, John Tunison, and for the county of Bergen, William Lawrence, and Enoch Mc'Kilson. *And be it further enacted* by the authority aforesaid, that on or before the first day of November next after publication hereof, all and every person or persons residing within this Province, and the agents and attorneys for those absent and rateable by this act, shall give in a true and full estimate of their respective poles or heads, and also the value of their estates, of cattle, hogs, horses, and lands in writings, subscribed with their hands, to the constables after named, viz. the county of Somerset, to the constable of that county, the town of Piscataway, and the out plantations on the south side of the Rariton, from the South river to the county of Somerset, to the constable of that town. The town of Perth Amboy, and the out plantations from Chesqueaks to the South river, to the constable of that town. The town of Woodbridge, and the out plantations, of the county of Middlesex,

not before named to the constables of that town. The town of Elizabeth Town, and out plantations thereto adjoining and belonging, to the constable of that town. The town of Newark, and out plantations thereto adjoining, and belonging to the constable of that town, the plantations of Acquianick, and New Barbados, and west side of Hackensack to their constable. Hackensack, and the out plantations thereto adjoining, to their constable. The town of Bergen and out plantations thereto belonging and adjoining, to the constable of that town. Middletown, and the out plantations thereto adjoining and appertaining to the constable of that town. Shrewsbury and the out plantations thereto adjoining and belonging to the constable of that town. All which severall and respective constables are hereby impowered and strictly charged and commanded on or before the third day of November next, to deliver to their respective commissioners, such particular estimates as they shall have received from each person within the said districts, and to give notice of all such as have not brought in the estimates to them to the said commissioners, that all those who make defaults may be rated and valued as the commissioners shall think just, and are by this act impowered so do. *And be it further enacted* by the authority aforesaid, that the said commissioners shall, and they are hereby required and commanded, upon the eighth day of November next, to meet together at the town of Perth Amboy, and sum up the pole money, and by equally taxing the valued estates of cattle and lands, make up the complement of four hundred pounds, and give in the same to the respective treasurers after named and appointed to receive the said tax. *And be it further enacted* by the authority aforesaid, that for the better gathering and receiving of the said tax, there shall be a treasurer or treasurers in each county unto whom every person or persons shall bring in their respective rate or tax, on or before the first day of January next, in such or any of the species, at such prices as his hereafter expressed, viz. either in current silver money, or in good and merchantable winter wheat, at four shillings per bushel. Good and merchantable Indian corn, at two shillings per bushel. Good and merchantable butter, at six-pence

per pound. Good merchantable and sufficient pork in barrels, at two pounds ten shillings per barrel. Good merchantable and sufficient beef in barrels, at thirty shillings per barrel. Good and merchantable tobacco, at three-pence per pound. The treasurers appointed to receive the same, are John Carington for the county of Middlesex, at his house in Perth Amboy. Obediah Bound, and Thomas Cook, for the county of Monmouth, at their houses. Nathaniel Waird, and Jonathan Ogden, for the county of Essex. Isaac Vangeson, and Hendrick Jearson, for the county of Bergen, at their houses. And John Carrington, at his house in Amboy, for the county of Somerset. And for as much as some persons may refuse or delay to pay in their respective sums unto their respective treasurers, as assessed by the said commissioners. *Be it therefore enacted* by the authority aforesaid, that if any person or persons whatsoever within this Province, shall refuse or delay to bring in their rates and sums on or before the said first of January next, they the said respective treasurers are hereby commanded immediately to make known the same to the respective commissioners afore named, which commissioners are hereby impowered and authorized to make out their warrants to the several and respective constables, commanding him or them to make distress, (which the said constables are also hereby impowered to perform) upon the defaulters goods and chattles, and to make sale of the same, and return their rates, tax, or sums to the respective treasurers, and to pay themselves the charges of making such distress, as they the commissioners shall see fit, just and reasonable, and to return back the overplus if any, to the person or persons from whom the distress was made. *And be it further enacted* by the authority aforesaid, that any time after the last of January next, it shall and may be lawful for the Governor by warrant under his hand, and seal'd with the seal of the Province, to command all or any of the treasurers aforesaid, to account with him for the execution of their office by this act to them committed, and to deliver for the uses aforesaid, to his order, or to whom he shall direct, all and every the money, goods, wares, merchandizes, which he or they shall have received by force and

virtue of this act ; any thing contained to the contrary notwithstanding. *And be it further enacted* by the authority aforesaid, that each treasurer shall have and receive out of the species, which he shall receive by virtue of this act, two per cent to his own proper use, for his care, storage and pains herein, and that he shall give receipts to every person or persons for what he receives as treasurer by virtue of this present act. *And be it further enacted* by the authority aforesaid, that if any person shall conceal any part or all of his estate of stock or land, and the same be found out within three months after the last of March, that he or they so concealing shall pay one shilling for every pound value so concealed, to be levied as aforesaid, any thing herein contained to the contrary notwithstanding.

At a General Assembly begun and held
at the Town of Perth Amboy, in the
County of Middlesex, and Province of
East New Jersey,

*Upon the Twelfth day of October, in the the fifth Year of the
Reign of our Sovereign Lord and Lady WILLIAM and MARY, over
England, &c. King and Queen, Anno Domini 1693, and there con-
tinued by the several Adjournments thereof, until the third Day of
November following, for the public Welfare of the said Province,
it was enacted as followeth, viz.*

Chap. I.

An Additional Act to the Court of small
Causes.

WHEREAS in several acts concerning the court of small
causes, there is no provision made obliging non
residents upon summons, to stand tryal, which may be to
the great damage of the inhabitants of this Province; for
the prevention thereof, *be it enacted* by the Governor,
council, and Deputies now met in General Assembly, and by
the authority of the same, that the clerks of the re-
spective courts of small causes, shall have power, and is
hereby authorized and empowered, to issue out a war-
rant to arrest or attach the body of any non resident,

which said warrant, the messenger shall have power to serve and hold the said non resident to bail, and upon refusing to give bail to stand tryal, to convey him to the sheriff of the county, who is hereby required to take and receive from such messenger, all such person or persons, and them safely keep, till he or they shall give bail or come to tryal.

Chap. II.

An Act concerning the selling of strong Drink to the Indians.

WHEREAS at a General Assembly held in the year 1692, it was enacted, that no strong drink or liquors be sold to Indians, under the penalty of receiving so many lashes on the bare back, as is there provided, which penalty by experience is found to be inconvenient. *Be it therefore enacted* by the Governor, Council and Deputies in General Assembly now met and assembled, and by the authority of the same, that the said penalty of whipping be henceforth repealed, and it is hereby declared to be repealed ; and in place thereof, the person or persons convicted of selling strong drink or liquors to the Indians, contrary to the form of the said act, shall be by the court fined in the sum of ten pounds, toties quoties, with costs of suit, one half of the said fine to be given to the informer, and the other half for the support of government. And in respect it is many times difficult in such cases to find proof, *Be it further enacted* by the authority aforesaid, that if any Indian shall be seen to come out of any man's house with strong liquors, or being drunk, or if any Indian shall confess, that such a man sold him or them strong liquors, such sight or confession shall be esteem'd a full and sufficient conviction against any such offender, unless he or they so informed against, shall purge himself or themselves, by his or their corporal oaths, or solemn protestation, any thing heretofore made and enacted to the contrary in any ways notwithstanding.

Chap. III.

An Act for establishing School Masters within this Province.

WHEREAS the cultivating of learning and good manners tends greatly to the good and benefit of mankind, which hath hitherto been much neglected within this Province. *Be it therefore enacted* by the Governor, Council and Deputies in General Assembly now met and assembled, and by the authority of the same, that the inhabitants of any town within this Province, shall and may by warrant from a justice of peace of that county when they think fit and convenient, meet together and make choice of three more men of the said town, to make a rate for the salary and maintaining of a schoolmaster within the said town, for so long time as they think fit: and the consent and agreement of the major part of the inhabitants of the said town, shall bind and oblige the remaining part of the inhabitants of the said town, to satisfy and pay their shares and proportion of the said rate: and in case of refusal or non-payment, distress to be made upon the goods and chattles of such person or persons so refusing or not paying, by the constable of the said town, by virtue of a warrant from a justice of the peace of that county; and the distress so taken to be sold at a publick vendue, and the overplus, if any be after payment of the said rate and charges, to be returned to the owner.

Chap. IV.

An Act for dividing each County into Township.

WHEREAS by act of General Assembly in the month of March 1682, this Province was divided into counties for the better governing and settling courts in the same, but whereas several things is to be done by the inhabitants of towns, hamlets, tribes or divisions within each county, as choosing of deputies, constables, &c. taxing and collecting of se-

veral rates for publick uses, and the making orders amongst themselves respectively about swine, fences, &c. AND WHEREAS a great many settlements are not reckoned within any such town or division, nor the bounds of the reputed towns ascertain'd, by mean whereof the respective constables knows not their districts, and many other inconveniencies arising from thence, and forasmuch as by the act made in Sept. 1692, for dividing the several counties into townships, the time for the returns of the said divisions being too short, and the method of dividing by county meetings, inconvenient. *Be it therefore enacted* by the Governor, Council and Deputies now met and assembled in General Assembly, and by the authority of the same, that the several counties of this Province, shall be divided as followeth, viz. In the county of Bergen, the township of Hacksack, shall include all the land betwixt Hackinsack river, and Hudsons river, that extends from the corporation town bounds of Bergen to the partition line of the Province. The corporation town of Bergen, being bounded according to their charter. In the county of Essex, the township of Acquickanick, and New Barbados, shall include all the land on Pissaick river, above the third river, and from the mouth of the said third river north west to the partition line of the Province, including also all the land in New Barbados Neck, betwixt Hackinsack and Pissaick river, and thence to the partition line of the Province. The township of Newark, shall include all the land from the mouth of the Bound creek, and from thence to Bound-hill, from thence north west to the partition line of the Province, and from the mouth of the said Bound creek, up Pissiaick river to the third river, and from thence north-west to the partition line of the Province. The township of Elizabeth Town, shall include all the land from the mouth of Raway river west to Woodbridge-stake, and from thence westerly along the line of the county to the partition line of the Province, and from the mouth of the said Raway river, up the Sound to the mouth of the Bound-creek, and from thence to the Bound-hill, from thence north-west to the partition line of the Province. In the county of Middlesex, the corporation town of Wood-

bridge, being bounded according to their charter, reserving what is therein reserved for Amboy Point. The township of Perth Amboy, including also all the land upon Chesqueaks creek, to the bounds of Monmouth county, and along the said bounds, to the west branch of South river, and down the South river to Rariton river, and down the Rariton river to Chesqueaks creek. The township of Piscataway, include all the land from the corporation town bounds of Woodbridge, on Rariton river, thence north to Woodbridge stake, thence west to Ceder brook, thence down the said brook to the Bound brook, thence down the Bound brook to Rariton river, thence down the river to Woodbridge bounds, thereon including also all the land from the mouth of the South river, to the bounds of Somerset county, on Rariton river, and from thence to the partition line of the Province, and along the partition line to Monmouth county, and thence along the line of Monmouth county to the west branch of South river, and down the said river to the mouth thereof. In the county of Monmouth, the township of Middletown, includes all the land from the mouth of Neversinks river, and runs up the said river and Swiming river, and saw-mill brook, to Burlington path. Thence over to the upper end of William Lawrence's land on Hop river, thence up the run which divides said Lawrence and John Johnston, to the head thereof, thence to the lower end of Richard Salters land on Hop brook, thence up said brook to the head thereof, thence to the meeting of Gravel and Watsons brook, thence to the head of Matavan, thence to the head of Chesqueaks creek, thence down said creek to the bay, thence round along shore to where it begun. The township of Shrewsbury, includes all the land from the mouth of Neversink river, and runs up the said river and Swiming river and Saw Mill brook, to Burlington path, thence the nearest way over to Manesquan river or brook, where Piscanecticuncn brook comes into the same, thence the nearest way to the pines, and along the edge of the pines to Burlington path, and along Burlington path to the Pine brook, and along the edge of the pines to the line of the Province, and along the Province line to the sea, and thence along the shore to where it began. The township

of Freehold includes, all the land from the head of Cheesqueaks creek, and runs along the lines of Middletown to Burlington path, thence along the line of Shrewsbury, to the line of the Province, thence along the Province line, to the line of the county, thence north east along the said county line to where it began. The county of Somerset, as it is already bounded by a former act of Assembly. *Provided also*, that when any county shall hereafter come to be better settled and inhabited, this shall not be understood to hinder other subdivisions, to be made upon application to the General Assembly to that effect.

Chap. V.

An Act explaining a Clause of a former Act, entitled, An Act for the Militia.

WHEREAS at a General Assembly held in the year 1682, there was an act made for establishment of a militia in this Province, with certain regulations, as is therein expressed, and whereas it is there said, that there shall be four days in a year for training or mustering, two in the spring, and two in the fall of the leaf. *Be it enacted* by the Governor, Council and Deputies in General Assembly, now met and assembled, and by the authority of the same, that by the said clause is meant four days at the least, not excluding such other times as the respective captains, either upon any emergency, or by order of the Governor, or Deputy Governor for the time being shall appoint. And whereas by the aforesaid act, there is no penalty inflicted for the want of bullets, *be it therefore enacted* by the authority aforesaid, that every man not being furnished with bullets, as is prescribed by the said act, shall be fined in three shillings, for every time bullets are thus wanting, to be levied as other fines by the form of the said act. *And be it enacted* by the authority aforesaid, that a hatchet shall supply the want of a sword.

Chap VI.

An Act for regulating of Marriages.

WHEREAS there hath been great irregularities, committed in joining persons in marriage, without either their banns being published, as provided by a former act, or a licence from the Governor or Deputy Governor for the time being : for the preventing the which abuses and irregularities for the future, *be it enacted* by the Governor, Council, and Deputies in General Assembly now met and assembled, and by the authority of the same, that after publication hereof, no minister, justice of the peace, or other shall join any person in marriage, unless their banns be published, or by a licence from the Governor, or Deputy Governor for the time being, under the penalty of ten pounds for each such offence.

Chap. VII.

An Act for taking off the Excise, and empowering the Governor to grant Licence to Ordinary keepers.

BE IT ENACTED by the Governor, Council and Deputies now met in General Assembly, and by the authority of the same, that the excise settled in this Province, shall be taken off, and it is hereby declared to be taken off, and in place thereof, that after the expiration of their respective licences, the Governor or Deputy Governor for the time being and no other, shall give licences to such and as many retailers of strong liquors as he in his descretion shall see meet ; and the said former act, as to all other clauses, intents and purposes, to be and remain in full force and virtue, and that the respective treasurers appointed by said former act, are to pay in what money they have or shall collect of excise, appointed by the said act to the Governor for the time being, to be applied for the service of the Government, which said act shall continue but

for one year and no more, except the General Assembly shall see meet to continue it longer.

Chap. VIII.

An Act to impower each County in this Province to make Rates to defray their just Debts.

WHEREAS it is appointed by act of General Assembly that every county in this Province shall have a common gaol, and also by another act of General Assembly that every county of this Province shall pay fifteen shillings for every wolf that is kill'd in the said county, &c. and also that there is no provision made for the maintenance of fellows and other criminals that is committed to common gaol, &c. whereby some of the counties are now indebted, and no way provided by act of General Assembly to impower the counties to raise or levy a tax to defray the same. *Be it therefore enacted* by the Governor, Council and Deputies now met in General Assembly, and by the authority of the same, that each and every town within the respective counties, shall make choice of one or more men to join with the justices at the next quarter sessions, held in each county in December next, and so annually at the quarter sessions, if there be occasion, and adjust their respective counties debts, and make or cause to be made assessments, taxes or rates for to pay or defray the same; which said assessments, taxes, or rates, shall be equally levied according to the value of every man's estate: Which said rate made as abovesaid, and attested under the hands and seals at the least of two justices of the peace, one of which of the quorum, shall be allowed as sufficient in law. And if any person or persons shall refuse to pay his or their rates, rated as abovesaid, distress to be made upon their goods and chattles by the constable, or constables of each respective towns by a warrant from a justice of peace, and the overplus, if any be after the rate paid and for making the distress, return'd to the owner.

Chap. IX.

An Act for raising of Soldiers for the safety of this Province, and a subsidy for the maintaining of the same.

WHEREAS there hath been for several years past a war between the crown of England, and that of France, which still continues; and being a duty incumbent upon all their Majesties loyal subjects as well for the security for the Majesties empire in America, in general as of this Province, in particular, that provision be made to keep the war at a distance, which can only be done by helping to support the frontiers, out of a deep sense whereof we pray that it may be enacted. *And be it enacted* by the Governor, Council and Deputies in General Assembly now met and assembled, and by the authority of the same, that there be raised out of this Province, twenty sufficient men, well equipped and armed, which said men are to be sent to Albany fitted as aforesaid, betwixt and the first of May now next ensuing, to join in the common defence for one whole year, from the said first of May now next ensuing with the rest of their Majesties forces, against the common enemy, the French and their Indians, which said twenty men are to be raised out of each respective county, according to their proportion in manner following, viz. For the county of Bergen, three men. The county of Essex, seven men. The counties of Middlesex and Somerset, five men. The county of Monmouth, five men. Which said twenty men are by this act design'd to release the detachment that has or may be sent to the frontiers out of this Province, upon their arrival in May next aforesaid, unless some extraordinary emergency happen where the safety of the frontiers may be in hazard, which danger if any happen at that time being over the said former detachment to be discharged upon the arrival of the said twenty men, which said soldiers raised as abovesaid, shall be maintain'd by a general tax of the country. Be it therefore enacted by the authority aforesaid, that there be a tax of four hundred and thirty pounds, raised upon the inhabitants of this Province, in manner and form following, viz. That all and every male

residing and inhabiting within this Province, householders of sixteen years old and upwards, and all their male children, their servants, and slaves of the same age, shall pay each and every of them, two shillings per head; and all males of sixteen years old and upwards, non-householders nor having estates in land, shall pay four shillings per head. *And be it further enacted* by the authority aforesaid, that the remainder of the said tax, shall be levied upon stock and land, which said stock and land shall be valued as followeth viz. Every ox, of four years old and upwards, at three pounds ten shillings. Every cow, of three years old and upwards, at two pounds ten shillings. Every steer of three years old and upwards, at three pounds. Younger cattle of two years old and upwards, at forty shillings. And all one year olds and upwards, at twenty shillings per head. All swine of two years old and upwards, at fifteen shillings per head. and one year old and upwards, at ten shillings per head. All sheep, at six shillings per head. All mares and horses of three years old and upwards, at three pounds per head. Two years old at forty shillings, and one years olds at twenty shillings per head. All meadow and pasture land, arable or plow'd land, shall be rated and valued at ten pounds per hundred acres. And all other lands laid out or patented (excepting only the Proprietors lands unsettled) at five pounds per hundred acres, and so proportionably for a greater or lesser quantity. *And be it enacted* by the authority aforesaid, that in each town, there shall be one commissioner, and one for the county of Somerset, who are hereby appointed to receive from the respective constables of each town, the rates and values of the inhabitants estates, and number of poles or heads, and in case any person or persons shall refuse or neglect to give a full estimate of their estates, and number of poles ratable by this act, to their respective constables hereafter nominated, then the said commissioners shall value their estates at their discretion. The several commissioners are. For the town of Bergen, Edward Earl junior. For the town of Hackensack, William Lawrence. For the town of Acquickanick, Elias M'Kilson. For the town of Newark, Zopher Beech. For Elizabeth Town, John Parker. For the town of Woodbridge, Thomas Pike. For the town of Perth Amboy, Thomas Gordon, for the town of Piscataway, Edward Slater. For the county of Somerset, Peter Vanestie. For Middletown,

William Lawrence, junr. For the town of Shrewsberry, Lewis Morris, of Passage Point. For the town of Freehold, John Johnston. *And be it further enacted* by the authority aforesaid, that on or before the first day of January next after the publication hereof, all and every person or persons residing within this Province, and the agents and attornies of those absent and rateable by this act, shall give in a true and full estimate of their respective poles or heads, and also the value of their estates, of cattle, hogs, sheep, horses and lands, in writing subscribed with their hands, to their respective constables of each respective town ; all which several and respective constables, are hereby impowered and strictly charged and commanded on or before the eighth day of January aforesaid, to deliver to their respective commissioners above named, such particular estimates as they shall have received from each person within their said district, and to give notice of all such as have not brought in their estimates to them, to the said commissioners that all those who make default, may be rated and valued as the commissioners shall think just, who are by this act impowered so to do. *And be it further enacted* by the authority aforesaid, that the said commissioners shall and are hereby required and commanded upon the twenty ninth day of January aforesaid, to meet together at the town of Perth Amboy, and sum up the pole money, and by equally taxing the valued estates of stock and land make up the complement of four hundred and thirty pounds, and give in the same to the respective receivers after named and appointed, to receive and collect the said tax. *And be it further enacted* by the authority aforesaid, that for the better gathering and receiving the said tax that there shall be a receiver or receivers in each county, to whom each person or persons shall bring in their respective rates or taxes, that is to say one half thereof on or before the first day of March next ensuing, and the other half on or before the first day of October next following, in such species and at such prices as is hereafter expressed, to wit, either in current silver money, or in good merchantable winter wheat, at four shillings per bushel ; good and merchantable Indian corn, at two shillings per bushel ; good and merchanta-

ble butter, at six-pence per pound weight ; good merchantable and sufficient pork in barels, at fifty shillings per barrel ; good merchantable and sufficient beef in barrels, at thirty shillings per barrel. The receivers appointed to receive the same at their houses, are for the county of Bergen, Hartman M'Kilson. For the county of Essex, John Brown at Newark, and Nathaniel Ogden, at Elizabeth Town. For the county of Middlesex, and Somerset, John Carrington, and Isaac Smalley, and for Monmouth county, Obadiah Bound, and Thomas Cook. And forasmuch as some persons may refuse, delay or neglect to pay in their respective sums, to their respective receivers, as assessed by the commissioners aforesaid. *Be it therefore enacted* by the authority aforesaid, that if any person or persons whatsoever within this Province, shall refuse delay or neglect to pay in their rates and sums to the respective receivers aforesaid, on or before the said first of March, and first of October aforesaid, then the said respective receivers are hereby commanded immediately to make known the same to their respective commissioners, afore named, who are hereby empowered and authorized to make out their warrants to the several and respective constables, commanding him or them to make distress, (which the said constables are hereby empowered to perform) upon the defaulters goods and chattles, and to make sale of the same, and pay the rate, tax or sums to the respective receivers, and also pay themselves such charges of making such distress as the commissioners aforesaid shall think fit, just and reasonable to appoint and allow, and return back the overplus (if any be) to the person or persons from whom the distress was made. And the better to enable the said respective constables in the execution of their offices, *be it enacted* by the authority aforesaid, that they be empowered and they are hereby empowered to command any number of men sufficient to their assistance, and in case of refusal to break open doors, and levy the distress with charges as is useful where the Kings tax is refused to be paid. *And be it further enacted* by the authority aforesaid, that the respective receivers shall at any time after the first of March, and the first of October aforesaid, pay in the rate or tax so collected by them out of the re-

spective counties, to such person or persons in New York, or Albany, whom the Governor shall appoint to be Pay-Master General, who shall be obliged to pay or cause to be paid unto the said men duly every week, after the rate of twelve-pence per day to each man, so long as they continue in the frontiers as aforesaid, which said Pay-Master General shall be allowed for his pains two pounds in the hundred. *And be it further enacted* by the authority aforesaid, that the several commissioners, whilst they are about the making this assessment or tax, shall have allowed them three shillings per day, to be paid them out of the said tax; and that each receiver shall have and receive out of the species which they receive by virtue of this act, two per cent for his care, storage, and pains, and that he shall give receipts to every person for what he receives by virtue of this present act. *And be it enacted* by the authority aforesaid, that if any of the receivers above named, do refuse to serve and take upon them that office, place and charge, he or they so refusing shall pay by way of fine, ten pounds, to be levied by distress upon his or their goods and chattles by warrant from two justices of the peace, one of which of the quorum, which goods and chattles are to be sold, and the overplus return'd to the owner; which said money to be applyed, for the publick service of the government. *And be it further enacted* by the authority aforesaid, that in case any constable, commissioner or other officer appointed in, or concerning the said tax, shall be negligent in the performance, of his or their duty, that in that case they shall forfeit the sum of five pounds, to be levied and disposed as aforesaid. *And be it further enacted* by the authority aforesaid, that the detachments out of the respective counties for their respective proportions of the twenty men aforesaid, shall be made a warrant from the Governor or Commander in Chief for the time being, directed to the respective captains, who, assisted by their respective lieutenants, and ensigns, are to detach the men as aforesaid; and after such detachments made, the respective captains are to make return to the Governor or Commander in Chief for the time being, of

the names of the persons so detached, that he may view them and see them arm'd and equip'd as is above provided. *And be it further enacted* by the authority aforesaid, that if any person shall conceal any part or all of his estate, of stock or land, and the same be found out within three months after the said first day of January next, he or they so concealing shall pay two shillings for every pound value so concealed to be levied as aforesaid, any thing herein contained to the contrary in any wise notwithstanding.

At a General Assembly begun and held
at the Town of Perth Amboy, in the
County of Middlesex, and Province of
East New Jersey,

Upon the second Day of October, in the sixth Year of the Reign of our Sovereign Lord and Lady WILLIAM and MARY, over England, &c. King and Queen, Anno Domini, 1694, and there continued by the several Adjournments thereof, until the two and twentieth day of the same month, for the publick Welfare of the said Province, it was enacted as followeth, viz.

Chap. I.

An Act concerning Capt. John Pike and
his Son John.

W H E R E A S at a quarter sessions held at Woodbridge, for the county of Middlesex, upon the

sixteenth of September in the year of our Lord 1684, Captain John Pike, and John Pike his son, were by a verdict of a jury, then and there convicted of felony; and upon further enquiry into the said matter, it appears that the intention of the said John Pike, the elder, and younger, were not felonious, nor the goods found in their house, upon which the verdict proceeded, conveyed there with their consent or privity. That therefore the said John Pike and his posterity, together with the rest of his fathers family may be restored against the crime imputed by the said act, as if never any such conviction had been; therefore we pray that it may be enacted, *And be it enacted* by the Governor, Council and Deputies now met and assembled in General Assembly, and by the authority of the same, that from henceforth the said John Pike, together with the family abovesaid, be restored to their former good name, and to all other immunities, equal with any of their Majesties leige people, as if never any such thing had been. *And be it further enacted* by the authority aforesaid, that whatsoever person or persons, shall from and after publication hereof, presume to reproach or scandalize the said John Pike, his posterity, or any of the aforesaid family, upon the account of any such judgment passed aforesaid, that it shall in such case be lawful for the said John Pike, his posterity or family as aforesaid, or either of them so abused, to commence an action of defamation against the person or persons so offending; any thing in the above said verdict or judgment to the contrary notwithstanding.

Chap. II.

An Act concerning Slaves, &c.

WHEREAS complaint is made by the inhabitants of this Province, that they are greatly injured by slaves having liberty to carry guns and dogs, into the woods and plantations, under pretence of guning, do kill swine. *Be it enacted* by the Governor, Council and Deputies in General Assembly met and assembled, and by the authority of the

same, that no slave or slaves within this Province after publication hereof, be permitted to carry any gun or pistol, or take any dog with him or them into the woods, or plantations, upon any pretence whatsoever; unless his or their owner or owners, or a white man, by the order of his or their owner or owners, be with the said slave or slaves, upon the penalty of twenty shillings for the first offence, and for the second offence, thirty shillings, and so for every offence after so committed ten shillings more; the one half to the informer that shall prosecute the same to effect, the other half to the use of the poor belonging to the town where the fact was committed, to be recovered as an action of debt; forty shillings or under to be tryed at the court of small causes in the town where the fact was committed, and above forty shillings to be try'd by the county court where the fact was committed; the said action to be commenced against the owner or owners, of the aforesaid slave or slaves so offending; and after judgment obtained against the said owner or owners, execution to be levied upon their bodies or estates, for the satisfaction of the said penalty so recovered as aforesaid with cost. *And be it further enacted* by the authority aforesaid, that no person or persons within this Province, shall suffer his or their slave or slaves, to keep any swine, but what are of their owners mark, upon the penalty of twenty shillings for every swine otherwise marked; to be recovered of the owner or owners of the said slave or slaves as aforesaid. And whereas it is found injurious to many of this Province having slaves, that their slaves are withheld by the countenance, harbouring and entertaining of them by many of the inhabitants thereof, without their owners consent. *Be it enacted* by the authority aforesaid, that any person or persons on whom it can be proved, that they do presume to suffer any slave to be or remain in his house, not licensed by his owner as aforesaid, by the space of two hours, shall forfeit the sum of five shillings, and so proportionably for a longer time, to the owner wrong'd thereby; and that it shall be lawful for any person to apprehend and take up as a runaway, any slave that shall be found five miles from his owners habitation,

or town of his abode, without a certificate for the same, and upon returning the said slave or slaves, to the said owner or owners, he or they so apprehending and returning as aforesaid, shall have paid them by the owner or owners of the said slave or slaves within ten miles distance, five shillings; if within twenty miles, and more than fifteen miles from the said owners habitation, ten shillings per head, and if further, than six-pence per mile more to be paid and recovered as aforesaid. *And be it further enacted* by the authority aforesaid, that if any person or persons shall lend, give or hire out to any slave, or slaves, pistol, gun or guns, the said person or persons so lending, giving, or hiring, shall forfeit the said pistol, gun or guns, or twenty shillings to the owner of the said slave or slaves, to be recovered as an action of debt as aforesaid.

Chap. III.

An Act for regulation of Trade within this Province.

THAT the act for trade and navigation may be duly observed in this Province, *be it enacted* by the Governor, Council and Deputies in General Assembly met and assembled, and by the authority of the same, that all deck'd vessels coming into or belonging to this Province, shall make a report at their majesty's custom-house, at Perth Amboy, within the space of twenty four hours after their arrival, and enter and clear at the said custom house, if they unload or load, under the penalty of the forfeiture, and loss of all the goods and commodities, which shall be so exported, or imported, as also of the ship, with all its guns, furniture, tackle, ammunitions and apparel, one third part to the King and Queen, their heirs, and successors, one third part to the Governor for the time being, and one third part to him or them, who shall seize, inform and sue the same to effect in any court of record within this Province.

Chap. VI.

An Act for regulating Attorney's at Law within this Province.

FOR regulating of attorneys within this Province, *Be it enacted* by the Governor, Council and Deputies now met and assembled, and by the authority of the same, that from and after publication hereof, that no justice of the peace, sheriff, sub-sheriff, no clerk of any court within this Province, directly or indirectly, no commissioners or messenger of the court of small causes, shall be admitted or suffer'd to plead as attorney, in any court within this Province, excepting in such cases as any of the said persons are either plaintiffs or defendants themselves, under the penalty of the forfeiture of twenty pounds, whereof one-third part to the informer who shall prosecute the same as an action of debt in any court of record within this Province, one-third to the Governor, and one-third to the country.

Chap. V.

An Act for regulating of Trade and the Exportation of Pipe Staves, Boards, Timber, &c.

FOR the regulating of trade and the transportation of all timber, of the growth of this Province, and for the better encouragement of builders of ships, and other vessels within the same, *Be it enacted* by the Governor, Council and Deputies now met and assembled, and by the authority of the same. That no ship, boat, or other vessel, whatsoever, shall take in, load, or transport any timber, planks, boards, oak bolts, staves, heading hoops or hop poles, in any port or place of this Province, before the master of the said vessel shall have a permit from the officer of their majesties custom-house, at Perth Amboy, and have given sufficient security for the penalty of one hundred pounds for the transporting of the said timber, plank, boards, &c.

over the broad seas, (that is to say) into the kingdom of England, the West Indies, or to any of the Summer or Wine islands directly, and there only to unload the same; and if any master of any ship or vessel, shall presume to load any of the aforesaid commodities, contrary to this act, he or they shall forfeit for their so doing, his or their vessel and loading, one-third part unto the Governor of this Province for the time being, one-third unto the treasurer of the said Province, for the use of this Province, and the other third unto the informer, that shall prosecute the same to effect; any thing in any act to the contrary notwithstanding. Also if any person or persons, shall carry or attempt to carry out of this Province, by float or raft, or otherways, any timber, planks, boards, staves, &c. aforesaid, shall forfeit the same to the uses appointed as aforesaid. *Provided always*, that it shall be lawful for any person or persons to transport any cedar, plank, or cedar board, to any place out of this Province, for the space of one whole year, after publication hereof, and no longer; and that fire-wood and cedar shingles, are no ways prohibited by this act.

Chap. VI.

An Act concerning Indictments, &c.

FOR the better prosecution of indictments, *Be it enacted* by the Governor, Council, and Deputies in General Assembly now met and assembled, and by the authority of the same, that in absence of the Attorney General, the justices of the respective county courts, shall be impowered, and they are hereby empowered to appoint at their discretion, except such persons as by law are prohibited, one to prosecute such bills as shall be found by a grand jury, or inquest, which persons shall be sworn to the impartial and faithful discharge of the said office to the best of his ability and understanding, and upon his refusal of accepting such office and taking the said oath, to be fined in the sum of forty shillings to their majesty's. *And be it further enacted* by the authority aforesaid,

that such person as is appointed attorney as aforesaid, shall receive as a fee, ten shillings for each action, information, indictment, to be allowed as a part of the court charge, if the parties indicted be found guilty.

Chap. VII.

An Act for regulating the Court of Common Right.

WHEREAS the plaintiffs filing a declaration, and being obliged to deliver a copy thereof to the defendant together with the writ, is by experience found to be very inconvenient, and the defendant entering his plea, only one day before the court, doth occasion great delays in the administration of justice. *Be it therefore enacted* by the Governor, Council and Deputies in General Assembly met and assembled, and by the authority of the same, that after publication hereof, every plaintiff, who shall take any writ out of the office of the Court of Common Right, shall serve the writ, and file a declaration in said office, at least thirty days before the first day of the court, or the defendant shall not be obliged to come to tryal, that court unless he pleads, and that the defendant shall put in his plea in said office, ten days at least before the first day of the court, that juries may be timely summoned when there is need, otherwise judgment to pass by default, the plaintiff being obliged to come to tryal the first term, or to be non suited and pay costs.

Chap. VIII.

An Act for the Encouragement of breeding Sheep.

BE IT ENACTED by the Governor, Council and Deputies in General Assembly met and assembled, and by the authority of the same, that all sheep shall be rate free.

Chap. IX.

An Act for Supplying the Vacancy of Commissioners for the Highways.

WHEREAS several of the commissioners for the highways, &c. nominated and impowered by an act made in the year 1682, are deceased, superannuated or otherways disabled, *Be it enacted* by the Governor, Council and Deputies in General Assembly met and assembled, and by the authority of the same, that the persons hereafter mentioned, shall to all intents and purposes supply their places in reference to high-ways, &c. and no other; any act or law to the contrary hereof in any wise notwithstanding, viz. In and for the county of Bergen, the Governor, Surveyor-General, Captain William Lawrence, Hendrick Epkee, Lawrence Lawrence, Enoch M'Chilson, Edward Earl, jun. John Adrian, sen. Captain Garbrant Clawson, or the major part of them, all having notice. In and for the county of Essex, the Governor, Surveyor-General, Major Isaac Kingsland, Elias M'Chilson, Claus Johnson Romain, Captain John Curtice, Azariah Crane, John Treat, Benjamin Meeker, Aaron Thompson, Benjamin Ogden, or the major part of them, all having notice. In and for the county of Middlesex, the Governor, Surveyor General, David Mudee, James Dundas, William Redford, Samuel Dennis, Captain John Bishop, John Elfie, John Pike, Capt. George Drake, Edward Slater, Benjamin Clark, or the major part of them, all having notice. In and for the county of Monmouth, the Governor, Surveyor-General, Lewis Morris, of Tinton, Lewis Morris of Passage Point, John Hance, John Stout, Nicholas Brown, William Lawrence, senr. Benjamin Burdon, John Slocum, Richard Hartshorn, Thomas Boel, or the major part of them, all having notice. In and for the county of Somerset, the Governor, Surveyor-General, John Royle, Peter Vaness, John Tunison, or the major part of them, all having notice. All and every the above mentioned persons are hereby directed and impowered for and in the abovesaid service, as is ordained in and by the aforesaid acts, for high-ways, &c. *Provided always*, that what high-ways, have

been formerly laid out according to the acts aforesaid, shall not be altered by the said commissioners, unless the major part of the said commissioners respectively, shall see cause for alteration.

Chap. X.

An Act for settling the County Courts,
and regulating the same.

FOR the better settlements of the county courts, *Be it enacted* by the Governor, Council and Deputies in General Assembly met and assembled, and by the authority of the same, that after the first of January next, there shall be held and kept in every county within this Province, two county courts or courts of sessions yearly, and every year and no more, viz. in the county of Bergen, the first Tuesday of March, and the first Tuesday of September, in the publick meeting house there. In the county of Essex, on the second Tuesday of March, in the publick meeting house of Elizabeth Town, and on the second Tuesday of September, in the public meeting house of Newark. In the county of Middlesex, on the third Tuesday of March, in the publick meeting house of Perth Amboy. On the third Tuesday of September, in the public meeting house of Piscataway. On the third Tuesday of March following, in the publick meeting house of Woodbridge, and on the third Tuesday of September thereafter, in the publick meeting house of Perth Amboy, and so to go circularly and successively round. In the county of Monmouth, on the fourth Tuesday of March, in the public meeting house of Middletown, on the fourth Tuesday of September, in the publick meeting house of Shrewsbury: Which said county courts, or courts of sessions respectively, shall have power and jurisdiction to hear, try, and finally to determine all causes and cases criminal, where life or limb is not concern'd, and civil cases tryable at common law, arising in the said county. *Provided always, and it is hereby enacted* that there shall not be any appeal, or removal by habeus corpus, of any person, action or suit or of any judgment or execution that shall be determined in the

said respective county courts, to the value of ten pounds or under. *Provided also, and be it enacted* by the authority aforesaid, that any action or suit may be removed after judgment or execution, by writ of error, before the Court of Common Right, or in cases of equity, before the high Court of Chancery. *And be it further enacted* by the authority aforesaid, that if any person or persons within this Province, shall commence any action whatsoever at the Court of Common Right, and upon tryal it is found to be under ten pounds, in such case the plaintiff shall have no costs of suit allowed him. *Provided always*, that this act or any thing herein contained, shall not infringe nor inroach on the jurisdiction of the courts of small causes, or any grant or charter already granted. *And be it further enacted* by the authority aforesaid, that the county of Somerset shall be subject and liable unto the officers and jurisdictions of the county of Middlesex, until there be a sufficient number of inhabitants, to constitute officers and jurisdictions within the said county; any thing heretofore made and enacted to the contrary in any wise notwithstanding. *And be it enacted* by the authority aforesaid, that the county assessments, rates and taxes, which by a former act, were appointed to be made in December, shall henceforth be made in September yearly, at the respective county courts aforesaid.

Chap. XI.

An Act concerning the Militia.

BE IT ENACTED by the Governor, Council and Deputies in General Assembly met and assembled, and by the authority of the same, that all fines levied by distress, by virtue of any former act of Assembly concerning the militia, the officer who makes the distress, shall give notice thereof to the delinquent to appoint one person to join with one appointed by the said officer, to appraise the goods so distrained, and in default of the delinquent, the officer to appoint both the persons who shall appraise the goods so restrain'd; which goods shall

be kept by the said officers fourteen days, within which time, if the said delinquent shall not redeem the same, the said goods to be sold, or disposed of by the said officer, and after payment of the fine and charges, the superplus (if any be) to be returned to the owner. .

Chap. XII.

An Act for the better executing the Act prohibiting Timber, Staves, &c.

BE IT ENACTED by the Governor, Council and Deputies now met and assembled, and by the authority of the same, that in every town within this Province, the Governor for the time being, shall appoint and commissionate persons to inspect and examine every or any boat or other vessel, that shall load and take on board any of the timber, staves, and other lumber, prohibited by an act entituled, an act for regulation of trade, &c. within any river or creek, within each respective county or town; and the same being found loaden, contrary to the said prohibition, shall be seized and secured by the said person or officer so commissioned, in order to tryal and condemnation. And in case any such person so appointed and commissioned to the due execution of the said office, shall neglect or refuse to officiate in the same, shall forfeit the sum of ten pounds, to the use of the town whereto he shall be appointed: And for the better execution of his said office, the said officer may and shall have power to call and take to his assistance, any two or three persons if need require, who are hereby also required to assist him, when thereunto called, upon the penalty of ten shillings, for each persons refusal to assist as aforesaid.

Chap. XIII.

An Act to reimburse the Governor, of Money, laid out by him upon account of the publick.

BE IT ENACTED by the Governor, Council and Deputies now met and assembled, and by

the authority of the same, that there be raised in this Province, seventy nine pounds, twelve shillings and nine-pence, to be paid to the Governor, or his order, in silver money at Perth Amboy, on or before the fifteenth day of January next ensuing, to be raised as followed.

	£.	s.	d.
Out of Hackensack, gathered by William Lawrence, and their constable.	3	18	9
Bergen, by Edward Earl, junr. and constable.	7	9	6
Acquincum, and New Barbados, by Thomas Urin, and Johannes Canemburge.	6	15	0
Newark, by Zopher Beach, and constable.	6	15	0
Elizabeth town, by Benjamin Ogden, and constable.	11	2	0
Woodbridge, by Thomas Pike, and constable.	8	5	0
Piscataway, by Thomas Higgins, and constable.	5	6	0
Perth Amboy, by Mr. Thomas Gordon, and constable.	2	0	0
Freehold, by John Reid, and constable.	3	14	0
Shrewsbury, by Samuel Dennis, Thomas Cook, and constable.	11	17	0
Middletown, by William Lawrence, junr. Benjamin Burden, and constable.	9	17	6
Somerset, by John White, and Peter Vaness.	2	13	0
Summa is	£. 79	12	9

To be levied according to the rules prescribed in the act pass'd *Anno* 1693, for the King's tax, *mutatis mutandis*, or as each town shall agree to raise the same. Always provided, the respective sums shall be transmitted as aforesaid, without charge to the Governor.

Chap. XIV.

An act for appointing of County Treasurers, &c.

BE IT ENACTED by the Governor, Council and Deputies in General Assembly met and assembled, and by authority of the same, that there be a treasurer appointed for every county within this

Province, who shall receive the money that by any act of Assembly are appropriated for the uses of the country which said money ; each respective treasurer shall, by order of the justices at their respective sessions, disburse for the use of their respective counties, paying for wolves, providing for the poor, and orphans, and defraying the county debts ; and the treasurers for the respective counties to be chose by the justices, at their respective sessions, and to be changed and new ones elected in their place, so often as the exigence shall require ; which said respective treasurers, shall have allowed them for their receiving and paying after the rate of two per cent.

At a General Assembly begun
and held at Perth Amboy,
in the County of Middlesex,
in the Province of East New
Jersey,

Upon the five and Twentieth Day of July in the seventh Year of the Reign of our Sovereign Lord WILLIAM the Third, over England, &c. King, Anno Domini 1695, and there continued by the several Adjournments thereof, until the third Day of August, next following, for the publick Welfare of the said Province, it was enacted as followeth, viz.

Chap. I.

An Act for translating Conveyances of
Lands made in foreign Languages, into
English.

WHEREAS several of the inhabitants of this Province, have not heretofore been sensible of the necessity of having their bills of sale, or conveyances of land, drawn in the English tongue, prays that there may be provision made, that the instruments that are already drawn in Dutch or French, may be translated, to the end that further controversies may be prevented. *Be it therefore enacted* by the Governor, Council and Deputies in General Assembly now met and assembled, and

assembled, and by the authority of the same, that all bills of sale or contracts, touching the conveying of land within this Province, shall within eighteen months after publication hereof, be translated into English, which is to be done at the charge of the purchaser. *And be it enacted* by the authority aforesaid, that when such instruments are so translated as aforesaid, that then the party, conveyor, their heirs or assigns, shall sign, seal and deliver the said instruments unto the purchaser, his heirs and assigns, according to the purport, intention, and true meaning of the said deeds. *And be it further enacted* by the authority aforesaid, that the said deeds made in Dutch or French, or any other foreign language, shall be delivered up to the conveyor, and if there is any record of the said Dutch or French deed, mention shall be made that the said Dutch or French deed was formerly recorded to prevent frauds.

Chap. II.

An Act for raising of one Hundred and Fifty Pounds for the Support of the Government.

WHEREAS the Governor in his proposals to the freeholders and inhabitants of the respective towns in this Province hath desired the General Assembly may propose a fund for support of the government, we the representatives having taken the same into our serious consideration, do enact as followeth. *Be it enacted* by the authority of the same, that there be raised in this Province, one hundred and fifty pounds current silver money, each town paying according to their proportion in their last years rate for the Governors disbursements, and to be levied upon all estates, real and personal, and timely made, as each town shall think fit to order and direct for the making thereof, only excepting liberty for the county of Monmouth and Somerset, in the like manner to levy and timely to make the rate for their propor-

tions to each town, as in each county they shall agree amongst themselves; and the several respective rates, being so levied and made, each town and county at its own proper cost, on or before the last day of March next ensuing, to deliver the same to the Governor, or his order, in Amboy. The persons hereafter named for each town and county, timely to collect and deliver as aforesaid, and if any person or persons shall refuse or delay payment of his or their proportion or proportions, unto the said respective collectors, any justice of peace, or collector, (within his town or county) shall have power to make out his warrant to the several respective constables, commanding him or them forthwith to make distress, make sale, pay, and return, according to the form of our act, made November 1693, for gathering the levy then enacted to be made and gathered; the names of the collectors followeth, viz. For Middletown, Thomas Herbert. For Shrewsbury, Joseph Wardell. For Freehold, William Laing. For Bergen, Edward Earl, junr. For Hackensack, William Lawrence. For New Barbados, and Acquickanum, Richard Berry. For Newark, Nathaniel Ward. For Elizabeth Town, Henry Norris. For Woodbride, Richard Powel. For Amboy, John Carrington. For Piscataway, Benjamin Hull. For Somerset, Peter Vanest. And if either of these persons above named, collectors, shall by death or otherways be disabled to officiate, the town or county to which he belonged, is hereby impowered and required to appoint another in his place, and this to be done as often as occasion shall require, till the whole of the above-said levy, be collected and paid. The proportion by each town and county, to be paid is. By Bergen, fourteen pounds eight shillings and six-pence. By Hackinsack, seven pounds and eleven shillings. By New Barbados, and Acquickanum, twelve pounds and six shillings. By Newark, twelve pounds six shillings. By Elizabeth Town, twenty one pounds eleven shillings and six-pence. By Woodbridge, fifteen pounds nine shillings and six-pence. By Piscataway, ten pounds five shillings. By the county of Monmouth, forty-seven pounds nine shillings and six-pence. By Amboy, three pounds eighteen shillings. By Somerset, four pounds sixteen shillings and six-pence. All to be paid for the

support of the Government. *Be it further enacted* by the authority aforesaid, that if any collector shall refuse or neglect to officiate, he shall be liable to make good all damages, by his refusal or neglect occruiug to any person or persons whatsoever.

At a General Assembly begun and held
at Perth Amboy, in the County of
Middlesex, in the Province of East
New Jersey,

Upon the Twentieth day of February in the eighth Year of the Reign of our Sovereign Lord WILLIAM the Third, over England, &c. King, Anno Domini 1695, and there continued by the several Adjournments thereof, until the seventh Day of March, next following, for the publick Welfare of the said Province, it was enacted as followeth, viz.

Chap. I.

An Act impowering one Justice to warn
Town Meetings.

WHEREAS there is a former act made, entitled, an act impowering the inhabitants of each town, &c. to make rates, &c. for making and

maintaining all high-ways, &c. empowering two justices of the peace to issue out their warrants, to convene the inhabitants &c. And in another clause of the said act, distress to be made by the respective constables, by a warrant from some justices &c. and to the end that one justice of the peace may answer both of the abovesaid clauses, and in another clause of the aforesaid act, four or five men are to be chosen, to make rates and taxes, &c. all which clauses aforesaid being found to be prejudicial to the inhabitants of this Province, *Be it enacted* by the Governor, Council and representatives now met in General Assembly, and by the authority of the same, that one justice of the peace of any town, county, or hamlet, is hereby empowered to issue out his warrant for the ends abovesaid, and any three persons chosen as in the said act is expressed shall have full power to make rates and taxes, &c. any thing in any former act, to the contrary in any wise notwithstanding.

Chap. II.

An Act concerning killing of Wolves.

WHEREAS the method in former acts prescribing the way of satisfaction to such as shall kill wolves in this Province, is found a greivance to the inhabitants. *Be it therefore enacted* by the Governor, Council and representatives now met in General Assembly, and by authority of the same, that all former acts relating to the aforesaid affair, be hereby repealed; and that after publication hereof, it be wholly left to the discretion of each town, hamlet, and county of Somerset, to take what method they shall among themselves see fit, for the killing wolves, and for de-fraying the charge of the same.

Chap. III.

An Act concerning Negroes.

BE IT ENACTED by the Governor, Council and representatives in General Assembly met

and assembled and by the authority of the same, that when any negro, negroes, or other slaves, shall be taken into custody for felony or murder, or suspicion of felony or murder, that three justices of the peace, of that county where the fact is committed, one being of the quorum, shall with all conveniency meet and try the said slave or slaves, and upon conviction by a jury of twelve lawful men of the neighbourhood, pronounce the sentence appointed for such crimes, and sign the execution. *Be it further enacted* by the authority aforesaid, that if any negro, negroes, or other slaves shall steal, or be found stealing, any swine, or other cattle, turkeys, geese, or any other kind of poultry and provisions whatsoever, or any kind of grain, and shall be convicted thereof before two justices of the peace, one whereof being of the quorum, the master or mistress of such negroes, or other slaves, shall within ten days after conviction, pay the value of what he or they have stolen to the party from whom the same is stolen, and in default to be levied by distress and sale of goods, of the said master or mistress, by a warrant from the justices before whom such conviction is made directed to the constable of the town where the master or mistress resides: And the said negro or negroes or other slaves, being so convicted, shall be publicly punished with corporal punishment, not exceeding forty stripes, the master or mistress of such negro, negroes or other slaves, to pay the charge thereof.

Chap. IV.

An Act obliging Persons chosen to be Constables, to execute the Office.

WHEREAS complaint is made by the inhabitants of this Province, that some persons within the same, who have been legally chosen to the office of a constable have refused to accept thereof. *Be it therefore enacted* by the Governor, Council and Representatives in General Assembly met and assembled, and by the authority of the same, that

if any person within this Province, who shall be legally chosen a constable, refuse to accept and execute the said office, within ten days after the said choice, the said person so refusing shall therefor pay the sum of four pounds current money of this Province; which upon the said persons refusing to pay, he shall by a warrant from a justice of peace directed to the constable in being, be by the said constable distrained for the said sum, and the charges arising by the said distraint; the said four pounds to be lodged in the custody of the town treasurer, or clerk, to be disposed of, as the town shall see meet. *And be it further enacted* by the authority aforesaid, that every respective constable within this Province, shall as often as he shall warn a town meeting, by virtue of a warrant directed to him for that end, from a justice of peace, effectually prosecute the said warrant for his so doing, each respective town shall pay to the said respective constable, the sum of six shillings: the county of Somerset only three shillings.

Chap. V.

An Act for regulating of Schools.

WHEREAS there was an act made Anno Domini, 1693, for the establishing of schools in each respective town in this Province, and by experience it is found inconvenient by reason of the distance of the neighbourhood, the said act directing no suitable way whereby all the inhabitants may have the benefit thereof. *Be it therefore enacted* by the Governor, Council and Representatives in General Assembly now met and assembled, and by the authority of the same, that three men be chosen yearly and every year in each respective town in this Province, to appoint and agree with a school master, and the three men so chosen shall have power to nominate and appoint the most convenient place or places where the school shall be kept from time to time, that as near as may be the whole inhabitants may have the benefit thereof.

Chap. VI.

An Act for repairing the new Road from
Mr. John Inians to Burlington.

WHEREAS the new road from Mr. John Inians, his house upon Rariton river, to the limits of this Province towards Burlington, is a part of the great thorough fair of this Province from New England, New York, &c. to the westward, which yet being unsettled may fall to decay, to the great inconveniency of all travellers, who may pass and repass that way, unless care be taken to maintain the same, until such time as it may be maintained by those who may hereafter inhabit it. *Be it therefore enacted* by the Governor, Council and Representatives now convened in General Assembly and by authority of the same, that for the space of five years from the date hereof, the said road shall be repaired, maintained and kept up by the innholders of the town of Piscataway, Woodbridge, and Elizabeth Town, as followeth, viz, three pounds to be paid annually by the innholders of the town of Piscataway. Fifty shillings to be paid annually by the innholders of the town of Woodbridge. And four pounds ten shillings to be paid annually by the, inholders of Elizabeth Town, amounting in all to ten pounds the year; which shall yearly be proportioned upon the innholders of each town aforesaid respectively, at the discretion of the several towns at their respective town meetings; and so being proportioned, every innholder in the towns aforesaid, shall pay his or her proportion yearly, in current silver money of this Province, unto Mr. George Drake of Piscataway, within fourteen days after his demanding the same. *And be it also enacted* by the authority aforesaid, that the said George Drake, shall annually for the space of five years aforesaid, take care to demand and receive the aforesaid sum and sums of money and improve the same as followeth, viz. the said Drake shall take upon him the oversight or inspection of the aforesaid

road, and as need requireth, shall employ suitable men to repair the same, and allowing three days notice, when and with what tools and accoutrements each man shall come furnished with to the said work : And out of the aforesaid money, the said Drake shall allow to each man three shillings per day, and to each man with a good sufficient team, six shillings per day, and to the said Drake is allowed four shillings per day : And if the said Drake shall neglect to do as is hereby required of him, he shall forfeit five pounds current silver money of this Province, to be used in repairing the road aforesaid ; which five pounds shall be recoverable by a warrant of distress, and sale of his goods, as is for the others afore prescribed : And any man by the said Drake warned to attend furnished to the work aforesaid, failing, shall forfeit for his personal default, four shillings and sixpence ; and any man warned as aforesaid to attend with a sufficient team, on default shall forfeit nine shillings like money aforesaid ; all which said forfeiture shall be recoverable with the charge of recovery, by distress and sale of goods of the delinquent, by virtue of a warrant directed to the constable from any justice of the peace, of the county in which default is made. And if any innholder aforesaid, neglect to pay unto said Drake his or her proportion it shall be recoverable, with the charge, by distress and sale of goods, as is aforesaid. All which aforesaid money with the forfeitures shall be delivered to and received by the said George Drake, and by him improved for maintaining the aforesaid road, according to the methods afore prescribed, and not otherwise ; of all which work done, and money disbursed on the said road, the said Drake shall from time to time keep and give and account thereof, as also of what money remains in his hands, unto the General Assembly of this Province, or to their appointment when he shall be called thereunto, either within the space or at the end of the five years aforesaid. And if any town in this act specified, shall neglect to proportion the said tax upon their respective innholders yearly for the term aforesaid, betwixt the first and the twentieth day of April, in each year, the Governor for the time bring, is hereby enabled to proportion the

said tax upon the innholders of such town, so making default, and any innholder of such town not paying his or her proportion to the said Drake, as is afore prescribed, shall be liable to distress and sale of goods for payment thereof, as is afore directed. And in case the said Drake, shall rather chuse to pay his fine than serve, and in case of his death, or disability, the Governor for the time being, is hereby enabled to appoint another overseer, who in all respect is to perform, do and submit to what the said Drake is hereby obliged to, and to receive the same wages, which are unto the said Drake herein appointed ; and all persons, and in all respects, in which they are by this act required to pay and submit to the demands of the aforesaid George Drake, shall do, perform and submit to such person, as the Governor for the time being shall appoint in said Drake's room, as unto said Drake on his continuance, they are required to do, on pain of suffering the penalties in this act in such cases provided.

At a General Assembly begun
and held at Perth Amboy,
in the County of Middlesex,
in the Province of East New
Jersey,

Upon the Twenty first Day of February in the Tenth Year of the Reign of our Sovereign Lord WILLIAM the Third, over England, &c. King, Anno Domini 1698, and there continued by several Adjournments thereof, until the Thirteenth Day of March, following, for the publick Welfare of the said Province, it was enacted as followeth, viz.

Chap. I.

An Act for confirming Patents having or
Assign, instead of and Assigns.

WHEREAS several of his majesty's subjects in the first settlement of this Province of East New Jersey, repaired hither with designs of settling land for the support and maintainance of their families, and applying themselves to the Proprietors, and their Governor for the time being, obtain'd grants or patents for the same, which by the intent and meaning of grantor and grantee, were to assure and settle an estate of inheritance in fee simple, to the several persons to whom said grants were made, reserving certain

quitt-rents therein expressed ; and as the law of this Province was then deem'd and taken to be, said grants were worded in pursuance of said end, and so past for several years ; on which assurance, many of his Majesty's subjects have spent their whole lives and substance, and under gone extream hardships and difficulties in subduing a wilderness, supported only by this encouragement, that their posterity would reap the benefit of their labours, and finding that through the ignorance of those infant times, the particle *or* in the habendum of their several deeds was used in the stead of *qf* ; and wherefore for the quieting of men's minds, for the further assurance, and the firm and sure making of said tenure according to what was the true and real intent of said grants, charters, patents, deeds or conveyances, *be it enacted* by the Governor, Council and Deputy's now met and assembled in General Assembly, and by the authority of the same, that all grants, charters, or patents for land, within this Province, made and executed by Philip Carteret, deceased, late Governor of this Province, and his Council, or any other in which the particle *or* is named in the habendum of said grants, charters, or patents, shall be taken, deemed and esteemed as effectual in the law to all intents, constructions and purposes whatsoever, to the benefit of each and every party and grantee therein named, as if the same had been granted in these words, To have and to hold to him, the said A. B. his heirs and assigns for ever.

Chap. II.

An Act for the restraining and punishing Privateers and Pirates.

WHEREAS nothing can more contribute to his sacred Majesty's honour, than that such articles as are concluded and agreed on in all treaties of peace, should by all his Majesty's subjects according to their duty, be most inviolably preserved and kept in and over all his Majesty's dominions and territories. And whereas not only against such treaties of peace made by his Majesty with his allies but also

contrary to his Majesty's royal proclamation, several of his subjects have and do continually go off from this his Majesty's Province of East New Jersey, into foreign princes service, and fail under their commissions contrary to their duty and good allegiance, and by fair means cannot be restrained from so doing. *Be it therefore enacted* by the Governor, Council and representatives now met and assembled, and it is hereby enacted by the authority of the same, that from and after publication hereof, it shall be felony for any person which now doth, or within four years last past, heretofore, hath or hereafter shall inhabit or belong to this Province, to serve in America in a hostile manner, under any foreign prince, State or potentate, or any person employed under any of them against any other foreign prince, State or potentate, in amity with his Majesty of Great Britain, without special licence for so doing under the hand and seal of the Governor or Commander in Chief of this Province for the time being; and that all and every such offender, and offenders, contrary to the true intent and meaning of this act, being thereof duly convicted in his Majesty's supreme court of judicature within this Province, to which court authority is hereby given to hear and to determine the same, as other cases of felony, shall suffer pains of death, without benefit of clergy. Provided nevertheless, that this act, nor any thing therein contained, shall extend to any person or persons which now are or have been in the service or employment of any foreign prince, State, or potentate whatsoever, that shall return into this Province, and leave and desert such service and employment before the first day of January next ensuing, rendering themselves to the Governor or Commander in Chief for the time being, and giving him such security as he shall appoint for their future good behaviour. And also that they shall not depart this Province without the Governors licence. And for the better and more speedy execution of justice, upon such who having committed treason, piracies, felonies, and other offences upon the sea, shall be apprehended in, or brought prisoner to this Province, *Be it further enacted* by the authority aforesaid, that all treasons, felonies, piracies, robberies, murders, or confederacies, committed, or that hereafter shall be committed upon the seas, or in any haven, creek or bay, where the ad-

miral hath jurisdiction shall be enquired, try'd, heard, determined and judged within this Province, in such like form, as if such offence had been committed in and upon the land ; and to that end and purpose, commission shall be had under the publick seal of this Province, directed to the judge or judges of the admiralty, or to such persons as shall be appointed by the Governor and Council, by special commission, which said commissioners, or such a quorum of them as by such commission shall be thereunto authorized, shall have full power to do all things in and about the inquiring, hearing, determining, adjudging, and punishing of any of the crimes and offences aforesaid, as any commissioners to be appointed by commission under the seal of England, by virtue of a statute made in the twenty eighth year of the reign of King HENRY the Eighth, are impowered to do and execute within the kingdom of England. And that the said offenders which are or shall apprehended in or brought prisoners to this Province, shall be liable to such order, process, judgment, and execution, by virtue of such commission, to be grounded upon this act as might be awarded, or given against them, if they were proceeded against by virtue of any commission grounded upon the said statute, and all tryals heretofore had against such criminal or criminals, before any judge or judges, by virtue of such commission or authority at any time heretofore granted, and all proceedings thereupon, are hereby ratified, confirmed, and adjudged lawful ; and all such judges, with all and every the inferior officers that have acted thereby, are hereby indemnified to all intents and purposes whatsoever : And in case they or any of them shall at any time hereafter be sued, vexed, molested or troubled for any such their proceedings as aforesaid, he or they so sued, vexed, or molested, shall plead the general issue, and give this act in evidence any law, statute, custom or usage, to the contrary in any wise notwithstanding. *Be it further enacted* by the authority aforesaid, that all and every person or persons, that shall any way knowingly entertain, harbour, conceal, trade, or hold any correspondence by letter or otherways with any person or persons that shall be deemed or adjudged to be privateers, pirates or other offenders,

within the construction of this act, and shall not readily endeavour to the best of his or their power to apprehend or cause to be apprehended, such offender or offenders, shall be liable to be prosecuted as accessaries and confederates, and to such pains and penalties, as in such case by law is provided. And for the better and more effectual execution of this act, *be it further enacted* by the authority aforesaid, that all commission officers in their several precincts, within this Province, are hereby required and impowered upon his or their knowledge or notice given, that any privateers, pirates, or other persons, suspected to be upon any unlawful design, are in any place within their respective precincts, to raise and levy such a number of well arm'd men, as he or they shall think needful for the seizing, apprehending and carrying to gaol, all and every such person or persons; and in case of any resistance or refusal to yield obedience to his Majesty's authority, it shall be lawful to kill or destroy such person or persons, and all and every person or persons, that shall oppose or resist by striking or firing upon any of the commanded parties shall be deem'd taken and adjudged as fellows without benefit of the clergy. And every such officer that shall omit or neglect his duty herein, shall forfeit fifty pounds, current money of this Province for every such offence, to be recovered in any of his Majesty's courts of record within this Province, by bill, plant, or information wherein no assigns, wager of law or protection shall be allowed; one moiety thereof to be to our sovereign Lord the King, his heirs, and successors, for and towards the support of the publick charge of this government, and the contingent charges thereof, and the other moiety to the informer. And all and every person or persons, that upon orders given him or them, shall refuse to repair immediately with his or their arms well fitted and ammunition, to such place and places as shall be appointed by the said officer, and not readily obey his commands in the execution of the premises, shall forfeit the sum of five pounds money aforesaid, to be recovered in any of his Majesty's courts of record within this Province, as aforesaid, or shall receive twenty lashes on the bare back.

Chap. III.

An Act declaring what Persons are disabled from being either elected or serving as Deputies, or Representatives in General Assembly.

WHEREAS several inconveniencies, have arisen by reason that several persons of the Governors Council and some of the Proprietors proxies have been members of the house of representatives ; for prevention whereof for the future. *Be it enacted* by the Governor, Council and representatives in General Assembly met and assembled, and by the authority of the same, that it shall not be lawful for the inhabitants of this Province, to elect or chuse as their Deputies or representatives to sit in General Assembly, any person that is either of the Governors Council, or that is proxie, or agent for a Proprietor or Proprietors ; and if any such election be made it's hereby declared null and void, neither shall any such person so elected, have liberty or power to sit in the Assembly as members of it, but shall on knowledge thereof be expelled and excluded the house. *And be it further enacted* by the authority aforesaid, that no person chosen as deputy or representative, shall serve for any other place, but that where he and his family resides, *And be it further enacted* by the authority aforesaid, that an act of this Province fining a member of assembly, five shillings per diem, in case of neglecting or refusing to appear and serve as deputy or representative in General Assembly, is hereby repealed and declared void. *Provided always*, that nothing contained in this act, shall take place till the conclusion of this present assembly.

Chap. IV.

An Act declaring what are the Rights and Priviledges, of his Majesty's Subjects, inhabiting within this Province of East New Jersey.

Preamble.

AS his Majesty is most happy in the love and allegience of his subjects, so are they most safe in the enjoyment of their undoubted rights and privileges under him, and that his most loyal subjects inhabiting within this Province of East New Jersey, may be the more encouraged in virtue, industry and faithfulness. *Be it enacted and declared* by the Governor, Council and representatives now met in General Assembly, that these are their rights and privileges, that the supream legislature

Under the King the Governor, Council and Representatives of the supreme Legislature.

power and authority of this Province, under his Majesty WILLIAM the Third, over England, &c. his heirs and successors for ever, shall be and reside in a Governor, and Council, and the people by their chosen representatives in General Assembly.

The executive Power in the Governor, with advice of 3 or more of his Council.

That the exercise and administration of the Government over this Province, shall be and reside in the Governor, who with the advice of three or more of his Council, or in case of death, or absence of the Governor out of the Province, in the Deputy Governor, and three or more of his Council, and in case of absence of the Deputy Governor, in four or more of the Council, over which the first in nomination to preside, who are to rule and govern the same, according to the fundamental laws of England, and the laws of this Province.

Representatives to be chosen annually.

That all the freeholders inhabiting in every of the respective towns or divisions within this Province, shall annually meet on the first Tuesday of January, and chuse freeholders, inhabiting therein, to be the representatives of the same for the ensuing year.

General Assembly to be held every year.

And that there shall be a General Assembly held every year within this Province to meet in the last Thursday of May, by proclamation at Perth Amboy, and to continue by prorogation or adjournment, until they are dissolved of course by the new election aforesaid, the which body

of Representatives, or the major part of them, with the Governor or Deputy Governor, and Council for the time being, shall be the General Assembly of this Province, the Governor, or Deputy Governor being present, unless he willfully refuse or be removed by death or otherwise; in which case the first in nomination of the Council shall preside, and have the like power during the Governor, or Deputy Governor's absence. And that all bills agreed upon by the Representatives or the major part of them, and consented to by the Governor, or Deputy Governor, and his Council for the time being, shall be esteem'd, deem'd and accounted the laws of this Province; which said laws shall continue and remain in force until they be repealed or expired by their own limitation: Which General Assembly shall have full power and authority to make all such laws, acts and constitutions, as shall be for the benefit and advantage of the people and necessary for the well government of this Province, and the same laws to repeal as they shall see cause. *Provided always* that they are not contrary to the fundamental laws and constitutions of England, and the statutes made in affirmance of the same, nor against the form and effect of this present act, and declaration of right, or any part of it. That the publick records of this Province, shall be kept at Perth Amboy, and that the register shall make exact entries in fair books of all publick affairs, and shall record all grants, or patents for land, and all other deeds or conveyances of land within this Province: Which deeds, the respective persons shall be obliged to record in the said office within six months after the date, if inhabiting in this Province. Which deed shall be first acknowledged by the granter, or proved by one of the witnesses before the Governor, or one of the Council, who shall attest the same on the back side of the deed; which deed or deeds so recorded, shall be good and effectual in the law notwithstanding any other conveyance of the same land, tho' dated before such deed so registered. *Provided* that nothing herein contained shall be intended or construed to the prejudice, or hindrance of the title, or claim of any person under age, *feme covert*, *non compos mentis*, in prison, or out of the Province. That the General Assem-

What number and who constitute a General Assembly.

Laws how to be made.

Not to be contrary to the Laws of England.

Record to be kept at Amboy.

Deeds to be recorded in six Months after Date, &c.

To be proved before the Governor, or one of the Council.

General Assembly to appoint all Courts except Chancery.

bly of this Province, shall constitute all courts within the same, with their limits, powers and jurisdictions, except the present high Court of Chancery, and all other courts

None but Freeholders residing to be Officers except, &c.

Sheriffs to continue but one Year, and then not obliged to serve under 3 Years.

Judges of the Court of Common right not to be Judges of Chancery.

Privileges of the General Assembly.

Representatives how chosen on a vacancy,

Number of the representatives and for what Towns.

now in being, and their respective salaries fees and perquisites. That none be appointed counsellors, judges, members, officers of courts, Surveyor-General, or other officers, civil or military, except the Secretary and Register, within this Province, but such as be freeholders residing within the same. And that no sheriff shall continue in his office above one at once, nor be liable to serve in that office for three years thereafter. Nor that the judges of the Court of Common Right for the time being, judges of the high Court of Chancery, any law custom or usage, heretofore to the contrary notwithstanding. That no person of what degree soever throughout this Province, chosen, appointed or commissioned to officiate or execute any office, or place, civil or military within this Province, shall be capable in the law, to take upon him the charge of such place, before he hath first taken the oaths appointed by act of Parliament to be taken in lieu of the oaths of supremacy and allegiance, or their solemn protestation according to the laws of this Province. No member of the General Assembly, or their servants during the time of their sessions, and whilst they shall be going to, and returning from the said Assembly, shall be arrested, sued, imprisoned, or any way molested or troubled, nor be compelled to make answer to any suit, bill, plaint, declaration or otherwise, (cases of high treason and felony only excepted). In case of death or other removal of any representative within the year, the Governor shall issue out summons by writ to the sheriff of the respective county, for which he or they were chosen, and requiring the freeholders of the same to chuse others in their stead. That the persons to be elected, to sit as Representatives in General Assembly from year to year, for the several towns and divisions within this Province, shall be according to the proportion and number hereafter expressed, viz. In the county of Bergen, for the town of Hackensack one, for Bergen two. In the county of Essex, for Acquickanick, and New Barbados, two, for the town of Newark two, for Elizabeth Town two. In the county of Middlesex, for the town of Woodbridge

two; for Piscataway two; for Perth Amboy two. For the county of Somerset one. In the county of Monmouth, for Middletown two, for Shrewsbury two, for Freehold two, and as many more as the Governor and Council shall think fit to establish. That no

Governor and Council may appoint more.

estate of a feme covert, shall be sold or conveyed but by deed, acknowledged by her before a judge, justice of some court of record within this Province, the woman being secretly examined, if she freely doth it without threats or compulsion of her husband.

Feme Coverts Deed how to be acknowledged.

That all wills in writing and attested by three or more credible witnesses shall be of the same force to convey lands as other conveyances, being proved and registered in the publick records, within sixty days after the testator's death. And in case of neglect the executor, or executors shall be liable to citation, and fined two shillings for each citation, and eighteen pence for each fine. That no free man shall be compelled, enforced, pressed, or arrayed, to go forth of his own country, much less out of this Province, into foreign parts, in time of war, or peace, unless in a case of a sudden invasion, or by special act of General Assembly. That no free man, shall be compelled to receive any soldiers, or marriners, (except innholders or other houses of entertainment, who are to quarter for ready money) into his house, and their suffer them against their wills, provided it be not in time of

Wills attested by three witnesses and Registered in 60 Days.

Executors neglecting to prove Wills, to be cited and fined.

None to be compelled to War, unless &c.

nor to entertain Soldiers, unless &c.

to sojourn actual war.

None to be taken or imprisoned &c. but by judgment of his Peers.

or condemned, but by the lawful judgment of his peers, and by the laws of this Province. That no commission for proceeding by martial law, against any of the subjects within this Province, shall issue forth, to any person or persons whatsoever, least by colour of them, any of his Majesty's subjects, be destroyed or put to death, except all such soldiers, that are in garrison, and in pay during actual war. Justice nor right, shall be neither sold, denied, or delayed, to any person in this Province. That no man of what condition or estate soever shall be put out of his lands, tenements, nor taken nor imprisoned, nor disinherited, nor banished, nor anyways destroyed or molested with-

Martial Law not to be exercised only against Soldiers.

officers and the time of

Justice shall not be sold, &c.

None to be put out of his Land without being brought by due course of Law.

out being first brought to answer by due course of law. All tryals shall be by the verdict of twelve men, and as near as may be, peers, or equals and of the neighbourhood of the

Offences Criminal to be first presented by a Grand Inquest, and then tried by 12 Men, &c.

place where the fact shall arise or grow, whether the same be by indictment, declaration, information, or otherways against the person offender, or defendant. That in all cases, capital and criminal, there shall be a grand inquest of the county where the fact ariseth, who shall first present the offence, and then twelve good men of the neighbourhood to try the offender, who after his plea to the indictment shall be allowed his reasonable challenges. That in all cases whatsoever, bail by sufficient surities, shall be allowed and taken, unless for treason and felony, plainly and especially expressed in the warrant of commitment, and that the felony be such as is restrained from bail by the laws of England.

That no person or persons that profess faith in God, by Jesus Christ, his only son, shall not at any time be any way molested, punished, disturbed or be called in question for any difference in opinion, in matters of religious concernment, who do not under that pretence, disturb the civil peace of this Province, or use this liberty to licentiousness.

Provided this shall not extended to any of the Romish religion, to exercise their manner of worship, contrary to the laws and statutes, of his Majesty's realm of England. *Provided always*, that this act, or any thing therein contained, shall not infringe the liberty or privilege of and grant, or charter already granted.

None professing faith, &c. to be molested for difference in opinion, &c.
But not to extend to those of the Romish Religion.
This act not to infringe the liberty of any Charter.

Chap. V.

An Act for making Rates for each respective Town, within this Province, and County of Somerset, to defray their publick Charges.

BE IT ENACTED by the Governor, Council and Deputies now met in General Assembly, and by the authority of the same, that it shall be lawful to and for the inhabitants of each town within this

Province, and for the inhabitants of the county of Somerset yearly, on the day of election of their representatives, to chuse three of their inhabitants respectively, who shall make such rates, taxes and assessments, as shall be for the defraying the publick charges for that year, as their representatives wages, charges about high-ways, rates for the poor, constables wages, and killing of wolves, repairing their burying places, schools, and pounds, within their respective limits, and also the town clerks wages: Which rates or taxes so levied or assessed, shall be presented to any justice of the peace in each respective county, who shall have power to approve of, amend and confirm the same, with the consent of any two of the said three persons chosen as aforesaid, as they in their judgments shall think fit. And if any person or persons shall delay or refuse to pay their respective rates so made, and assessed, to any one of the said three persons elected as aforesaid, who shall be appointed by the inhabitants of each town and the county of Somerset to receive the same, then distress to be made for the same, by the respective constables of each town, and the county of Somerset, by a warrant from any justice of the peace within the said towns or county. *And be it further enacted* by the authority aforesaid, that the several representatives in each respective town within this Province, and the county of Somerset, shall have allowed and paid unto each of them during their sessions, and whilst they shall be going to and returning home from the said Assembly, five shillings per diem, besides all charges, they shall be at, in paying their clerk, messengers, serjeant at arms, and for the room where they meet together, ink, and paper. And that there shall be allowed and paid out of the fines levied within the Province, (for the use of his Majesty or his assigns) to each of the Governors Council, who shall give their attendance at the sessions of Assembly, the sum of six shillings per diem, beginning from the opening of this present sessions of Assembly; and in all following sessions of Assembly, to be allowed six shillings per diem, during their attendance, and six shillings a day for coming and returning home, out of the aforementioned fines, not exceeding two days at each time. *Always pro-*

vided it shall not exceed two days before the meeting of the Assembly, and two days after their adjourning or proroguing of the same, for the representatives of the county of Bergen, and one day before and after meeting, and adjourning thereof for all representatives of the other counties excepting those of Perth Amboy and Woodbridge, who shall only be allowed wages, during the sessions, and the other charges aforesaid: Which said rates in each respective town and county of Somerset, aforesaid, shall be hereby obliged to pay unto their respective representatives, at their respective dwelling houses, the said sum of five shillings per diem, together with each of the proportions of the aforesaid charges, within one month after they return home from the said General Assembly, in current silver money of this Province, to be recovered by distress as aforesaid. *And it is further enacted* by the authority aforesaid, that if any of the persons so elected, chosen or appointed to assess, collect and pay any or all the aforementioned rates shall refuse, or neglect to assess, collect and pay all or any part thereof as aforesaid, shall forfeit the sum of five pounds money aforesaid, to his Majesty or his assigns, to be recovered by distress as aforesaid; and in case of such neglect or refusal, then by a warrant from any justice of the peace in the county empowering the town to chuse other assessors to officiate in the said office, in all respects as is by this act prescribed; and in case such refuse also, they shall be liable to the same penalty before mentioned. *And it is hereby further enacted* by the authority aforesaid, that the respective representatives for this present General Assembly shall be paid and allowed what is herein expressed in this act, after the manner following, that is to say, the rate makers and assessors that are already chosen in every respective town in this Province, and the county of Somerset, shall have power to make a rate to pay each of their representatives, what shall be due unto them, conformable unto this act within the same time, and after the same manner as is before in this act particularly expresses. *Provided always* that this act, or any thing herein contained shall not infringe the liberty or priviledge of any grant or charter already granted.

Chap. VI.

An Act explaining a former Act concerning Captain John Pike, and his Son John Pike.

WHEREAS there was an act of General Assembly made and passed in the year 1694, in behalf of Captain John Pike deceased, and his son John Pike, which act hath been misunderstood and misconstrued, as if the same had been obtained as an act of grace, or favour, whereas the true intent and meaning of the said act, was upon diligent search and enquiry by evidence, and clear proof, to publish and make known to the world, that the said Captain John Pike deceased, and his son John Pike, were innocent, clear and free of the said felony in the said act mentioned. And whereas the said act of General Assembly, hath not hitherto fully answered the reasonable, just, equitable designs and meaning thereof, which was to restore the said Captain Pike, and his posterity, to their and every of their credits and reputations, by having given and allowed them, or either of them, upon any suit or action of slander or defamation commenced and prosecuted by them, or either of them, against any person or persons whatsoever, such just damages, as any other his Majesty's leidge people, in such cases might expect, as if any such judgment never had been. *Be it therefore enacted*, and it is hereby enacted by the Governor, Council and representatives in General Assembly met and assembled, and by the authority of the same, that both the said judgments mentioned in the said act, being erroneous both in matter and form, are hereby declared to be reversed and made wholly null and void to all intents constructions and purposes, both in law and otherwise whatsoever, as if the same had never been. *And be it further enacted* by the authority aforesaid, that from and after publication hereof, no person or persons whatsoever, shall defame, scandalize or reproach the abovesaid Captain John Pike, or the said John Pike, or any of their posterity, directly or indirectly, or by implication, by words, speeches, re-

ports, lybels, writings, or any other manner of way whatsoever, by reason, cause or occasion of the abovesaid judgment, or either of them, pass'd as aforesaid, or of any matter or thing relating thereto, or occasioned thereby, or of this or the former act of Assembly. *And it is hereby further enacted and declared* by the authority aforesaid, that the posterity of the abovesaid Captain John Pike, or the said John Pike his son, or either of them, shall forever hereafter have liberty and priviledge, to commence, sue, implead, and prosecute any person or persons whatsoever in any court of record within this Province, who shall offend against this act; any law, custom, or usage to the contrary notwithstanding.

Chap. VII.

An Act for redressing a Force of our Neighbour Province.

WHEREAS by an illegal act from our neighbouring Province, we have had our shipping by force of arms, seized and carried out of our harbours, whereby the trade of this Province of East New Jersey, is wholly obstructed, and the Province in general, grievously injured; to remove which inconveniencies, there is a necessity of a speedy application to England, which will require the raising of a fund, in some measure answerable to our poor abilities, not only to remonstrate the injuries already done us, but also to avoid the like incursions for the future; we pray that it be enacted, *and be it enacted* by the Governor, Council and deputies in General Assembly now met and assembled, and by the authority of the same, that there be a tax of six hundred seventy five pounds current money of New York, raised upon the inhabitants of this Province, in manner and form following, viz. that all lands appropriated, the owners whereof are inhabitants of this Province, that is to say all improved lands, either under tillage or in pasturage, within fence, to be valued at fifteen pounds per hundred acres, and all woodlands and meadows, or other unimproved lands, at seven pounds ten shillings per hundred acres, and all the lots in Perth

Amboy, the owners whereof being inhabitants, to be valued (that is to say) bank lotts, at twenty pounds a lott, front lotts at fifteen pounds a lott, and rear lots, at six pounds a lot; and all negroes, or other slaves, above sixteen years old, at twenty five pounds per head, all eight years old, and under sixteen, at fifteen pounds per head, all above five years old, and under eight years old, at eight pounds per head; all oxen of four years old and upwards, at three pounds ten shillings per head; all cows of three years old and upwards, at fifty shillings per head; all steers of three years old and upwards, at three pounds per head, younger cattle of two years old and upwards, at forty shillings per head; and all of one year old and upwards, at twenty shillings per head; all swine of one year old and upwards, at twenty shillings per head; all horses and mares of three years old and upwards, at three pounds per head, all of two years old and upwards, at forty shillings per head, all of one year old and upwards, at twenty shillings per head. That all males that are free, of sixteen years old and upwards, non householders, nor having estate in land nor under the tuton of his, her, or their parents shall pay towards this tax, six shillings per head. *And be it enacted* by the authority aforesaid, that all sloops, boats, mills, that is to say grist mills, saw-mills, and fulling-mills, merchants, and Indian traders, that trades and merchandizes within this Province, shall be valued at the discretion of respective assessors or commissioners appointed by this act, where any such sloops, boats, merchants, Indian traders, and mills do belong or reside. And if any such merchants, retailers of goods and merchandize, Indian traders, owners of sloops, boats or mills, are disatisfied at the valuation on them by their respective assessors, or commissioners, then the oath of such merchant, or retailers of goods and merchandize, Indian traders, owners of sloops, boats, and mills, shall determine their value, and the said assessors, or commissioners, are by the authority of this act, impowered to administer an oath for that end. *And be it enacted* by the authority aforesaid, that there shall be one assessor or commissioner in each town throughout this

Province, and one for the county of Somerset, who are hereby required to receive from the respective inhabitants within this Province, the account of all their lands, that is to say, any person or persons having lands in divers townships of this Province, shall give an account thereof distinctly of each quantity and where it lyeth to the assessor, or commissioner, where he or they resides, also of all their chattles, heads, &c. rateable by this act, in writing, under their hands, at or before the last day of this instant, month of March : And if any person or persons shall refuse or neglect to give a full estimate of all their estates and heads, rateable by this act, to their respective assessors or commissioners hereafter nominated, at the time aforementioned, then the said assessors, or commissioners, shall have power to value such estates at their discretion. And if any person or persons do conceal any part of their estates, rateable by this act, such person or persons shall pay three shillings for each pound value so concealed, to be recovered by a warrant of distress from a justice of peace, directed to the constable of the town, where such default is made, to be applied to the use of the poor of said town. And the assessors or commissioners appointed by this act, are for the town of Hackensack, Martin Paulsin. For Bergen, Jacobus Crugar. For Acquikhannick, and New Barbados, Thomas Urianson. For Newark, John Cooper. For Elizabeth Town, Thomas Johnston. For Woodbridge, Thomas Pike. For Perth Amboy, Benjamin Griffith. For Piscataway, Edward Slator. For the county of Somerset, Peter Vanest. For Middletown, William Lawrence, junr. For the town of Freehold William Laing. For Shrewsbury, Anthony Pintard. *And be it enacted* by the authority aforesaid, that the said assessors, or commissioners, shall and are hereby required, and commanded upon the twelfth day of April next ensuing, to meet together at the town of Perth Amboy, and sum up the heads, and by equally taxing the valued estates of stock and land, &c. make up the compleat sum of six hundred and seventy five pounds. And to prevent the multiplicity of officers, and for the more speedy collecting of the said tax, the aforementioned assessors or commissioners are hereby also appointed to be the collectors or receivers of the same, in each respective town in this Province, and county of Somerset, to whom

each person or persons throughout this Province, are hereby required and commanded to bring their respective rates and taxes in current money aforesaid, that is to say, one moiety thereof, on or before the first Tuesday of June, next ensuing, and the other moiety thereof, on or before the first Tuesday in December, next ensuing. And forasmuch as some person may refuse, delay, or neglect to pay in their respective sums of money taxed, to their respective receivers aforesaid, at each of the times appointed by this act; then the said respective receivers, or collectors, are hereby empowered and authorized to make out their warrants to the several and respective constables, commanding him or them to make distress, (which the said constables are hereby empowered to perform) upon the defaulters goods, and chattles, and to make sale of the same, and pay the rate, tax, or sum to the respective receivers, and also pay themselves the charge of making such distress as the said receivers shall think fit, just and reasonable to allow and appoint, and return back the overplus, if any be, to the person or persons from whom the distress was made. And the better to enable the said respective constables in the execution of their office, they are hereby empowered with the consent of the receivers (if need require) to take to their assistance, the high Sheriff, and the power of his authority, which he is hereby required to afford, commanding any number of men, sufficient to his or their assistance, in case of refusal of non payment, to levy the distress, with the charges, as is usual where the Kings tax is refused to be paid, on the defaulters goods and chattles. *And be it further enacted* by the authority aforesaid, that if any of the aforesaid assessors, or commissioners shall neglect or refuse to officiate or serve in either of the capacities of assessors or receivers, whereto they are appointed by the authority of this act, shall forfeit to the use of the Province, the sum of fifty pounds, to be recovered by distress of his or their goods and chattles, by warrant from two justices of the peace in the county (one whereof being of the quorum) directed to the constable of the town where he or they so refusing do belong: And to supply such vacancy if any happen by obstinacy, or any other hindrance, by sickness or

otherways, it shall and may be lawful for the rest of the assessors, or commissioners, meeting at the time and place appointed, to make choice of another assessor or receiver out of the same town instead of any such person refusing or being hindred by the impediments aforesaid; and if any such person so chosen, refuse also, he shall likewise forfeit the forementioned sum of fifty pounds to be recovered as aforesaid: And for encouragement of the due executing of their trust imposed in them, each of them shall be allowed four shillings per day whilst they are making up the said tax at Perth Amboy, and they shall also have sixpence per pound. for receiving and paying the said tax, to the treasurer of the Province hereafter named, and to defray the charge thereof, the said assessors and receivers, are hereby impowered to add so much to the aforesaid general tax, as will in proportion. pay that charge. *And be it further enacted* by the authority aforesaid, that the several receivers are hereby impowered and required to pay in their several proportions and collections of the aforesaid tax, (that is to say) one moiety thereof on or before the third Tuesday in June next ensuing, to Captain Andrew Boune, who is hereby nominated and appointed treasurer of this Province, or to such person or persons, and in such places as he shall appoint; and the other moiety thereof to the said treasurer on the third Tuesday in December next. *And be it further enacted* by the authority aforesaid, that for the effectual and due applying of the money raised by this act, in order to the redressing of the foremention'd grievance, and that the ends thereof may be more assuredly answered, it is hereby ordered and appointed, that our said Province treasurer shall be and is hereby impowered and desired (as much as in him lies) to transmit the sum of six hundred and sixty five pounds this country money, if need requires, or is ordered thereto, by the major part of the commissioners hereafter named, viz. Mr. Edward Earl, Mr. John Cooper, Captain Samuel Walker, Mr. William Lawrence, junr. and Peter Vanest, being chosen by the Deputies; Captain Andrew Boune, Mr. John Boyce, Captain John Bishop, Mr. Thomas Warne, and Mr. Samuel Dennis, appointed by the Council, seven whereof

shall be a quorum, or the value thereof in bills of exchange, only tho' obtained at extraordinary rates to Sir Thomas Lane, Knight, our present Governor, Jeremiah Bass, Esqr; Mr. Thomas Hart, Mr. Robert Waley, and Mr. John Loften, merchants in London; whom we hereby constitute and appoint our agents, to negotiate and prosecute this affair, according to such instructions as they shall receive from our said commissioners, who shall have power to receive from our said treasurer, the remaining sum of ten pounds, to gratify the best and ablest council in the law, the better to state and represent our case, for our said commissioners directions to our said agents in England, which commissioners are to meet on the second Tuesday of May next, at Perth Amboy, who then shall appoint a chairman, and all other times of meeting, in order to write what may be needful to, or receive what may be returned from the said agents.

These Copies of Laws are examined with the Records thereof.



THE
CONCESSIONS
AND
AGREEMENTS

Of the Proprietors, Freeholders
and Inhabitants of the Pro-
vince of West New Jersey,
in America.

CHAPTER I.

Concessions and
Agreements, &c.

WE DO consent and agree, as the best present expedition, that such persons as shall be from time to time, deputed, nominated and appointed commissioners by the present Proprietors or the major part of them, by writing, under their hands and seals, shall be commissioners for the time being, and have power to order and manage the estate and affairs of the said Province of West New Jersey, according to these our concessions, hereafter following, and to depute others in their place and authority in case of death or removal, and to continue until some other persons be deputed, nominated and appointed by the same Proprietors, or the major part of them, to succeed them in that office and service. And the commissioners for the time being are to take care for forth and dividing all the lands of the said Province, as be already taken up, or by themselves shall be taken up and contracted for with the natives, and the said land so taken up and contracted for to divide into one hundred parts, as occasion shall require; that is to say, for every quantity of land that they

shall from time to time lay out to be planted and settled upon, they shall first for expedition divide the same into ten equal parts or shares ; and for distinction sake to mark in the register, and upon some of the trees belonging to every tenth part, with the letters A B. and so end at the letter K. And after the same is so divided and marked, the said commissioners are to grant unto Thomas Hutchinson of Beverly, Thomas Pearson of Bonwick, Joseph Helmsley, of Great Kelk, George Hutchinson of Sheffield, and Mahlon Stacy of Hansworth, all of the county of York, or their lawful Deputies, or particular commissioners, for themselves and their friends, who are a considerable number of people, and may speedily promote the planting of the said Province ; that they may have free liberty to make choice of any one of the said tenth parts, or shares, which shall be first divided and set out, being also done with their consent, that they may plant upon the same as they see meet ; and afterward any other person or persons, who shall go over to inhabit, and have purchased to the number of ten proprieties, they shall and may have liberty to make choice of any of the remaining parts or shares, to settle in ; and all other Proprietors, who shall go over to settle as aforesaid, and cannot make up amongst them, the number of ten Proprieties, yet nevertheless they shall and may have liberty to make choice of settling in any of the said tenth shares that shall not be taken up before. And the commissioners have hereby power to see the said one tenth part, that they shall so make choice of, laid out and divided into ten Proprieties, and to allot them so many Proprieties, out of the same, as they have orders for : And the said commissioners are to follow these rules, until they receive contrary order from the major part of the Proprietors under their hands and seals.

The said commissioners for the time being have hereby power for appointing and setting out fit places for towns, and to limit the boundaries thereof, and to take care they be as regular built as the present occasion, time and conveniency of the places will admit of ; and that all towns to be erected and built, shall be with the consent of the commissioners for

the time being, or the major part of them. And further, the said commissioners are to order the affairs of the Province according to these Concessions, and any other instructions that shall be given them by the major part of the Proprietors, until such time as more or other commissioners shall be chosen by the inhabitants of West Jersey, as here in these Concessions is mentioned and appointed.

And it is further expressly provided and agreed to ; that whereas there is a contract or agreement granted by William Penn, Gawen Lawry, and Nicholas Lucas, unto Thomas Hutchinson, Thomas Pearson, Joseph Helmsly, George Hutchinson, and Mahlon Stacy, dated the second day of the month called March, 1676, instant ; wherein they grant unto the said persons, certain privileges for a town to be built, whereby they have liberty to choose their own magistrates and officers, for executing the laws, according to the Concessions within the said town : Which said contract or agreement, is to be held firm and good to all intents and purposes, and we do by these our Concessions confirm the same.

Chap. II.

AND that all and every person and persons, may enjoy his and their just and equal propriety, and purchase of lands in the said Province: It is hereby agreed, concluded and ordained, that the survey or surveyors, that the said Proprietors have deputed and appointed; or shall depute or appoint ; they failing, that the commissioners shall depute and appoint, or that the General Free Assembly hereafter shall depute and appoint, shall have power by him or themselves, or his or their lawful Deputy, or Deputies, to survey, lay out or bound, all the Proprietors lands, and all such lands as shall be granted from any of the Proprietors to the freeholders, planters, or inhabitants, and a particular or terryor thereof, to certify to the register, to be recorded.

Chap. III.

THAT hereafter upon further settlement of the said Province, the Proprietors, freeholders, and inhabitants, resident upon the said Province, shall and may at or upon the five and twentieth day of the month called March, which shall be in the year according to the English account, one thousand six hundred and eighty, and so thence forward, upon the five and twentieth day of March yearly, by the ninth hour in the morning of the said day, assemble themselves together in some publick place, to be ordered and appointed by the commissioners for the time being ; and upon default of such appointment, in such place as they shall see meet, and then and there elect of and amongst themselves, ten honest and able men, fit for government, to officiate and execute the place of commissioners for the year ensuing, and until such time as ten more for the year then next following, shall be elected and appointed : which said elections shall be as followeth, that is to say, the inhabitants each ten of the one hundred Proprietors shall elect and choose one, and the one hundred Proprietors shall be divided into ten divisions or tribes of men.

And the said elections shall be made and distinguished by ballating trunks, to avoid noise and confusion, and not by voices, holding up of the hands, or otherwise howsoever : which said commissioners so yearly to be elected, shall likewise govern and order the affairs of the said Province (*pro tempore*) for the good and welfare of the said people, and according to these our Concessions, until such time as a general free Assembly shall be elected and deputed in such manner and wise as his hereafter expressed and contained.

Chap. IV.

And that the Planting of the said Province be the more speedily promoted, it is consented, granted, concluded, agreed and declared.

First. **T**HAT the Proprietors of the said Province, have and do hereby grant unto all persons who by and with the consent of one or more of any of the Proprietors of the said Province, attested by a certificate, under his or their hands and seals, adventure to the said Province of West New Jersey, and shall transport themselves or servants before the first day of the month commonly called April, which shall be in the year of our Lord, one thousand six hundred seventy and seven. these following proportions, viz. For his own person arriving, seventy acres of land English measure, and for every able man servant that he shall carry with him, and arriving there, the like quantity of seventy acres of land English measure. And whosoever shall send servants before that time, shall have for every able man servant, he or they so send as aforesaid, and arriving there, the like quantity of seventy acres; and for every weaker servant, male or female, exceeding the age of fourteen years, which any one shall send or carry, arriving there, fifty acres of land, and after the expiration of their time of service, fifty acres of land for their own use and behoof, to hold to them and their heirs forever. All such person and persons, freemen or servants and their respective heirs, and assigns, afterwards paying yearly to the Proprietor, his heirs and assigns, to whom the said lands belong, one penny an acre, for what shall be laid out in towns, and one half penny an acre for what shall be laid out elsewhere. The first yearly payment to begin within two years after the said lands are laid out.

II. To every master or mistress, that by and with such consent aforesaid, shall go hence the second year, before the first day of the month called April, which shall be in the year one thousand six hundred seventy and eight, fifty acres of land, and for every able man servant, that he or

she shall carry or send, and arriving there, the like quantity of fifty acres of land, and for every weaker servant, male or female, exceeding the age of fourteen years, arriving there, thirty acres of land : and after the expiration of their service, thirty acres of land for their own use and behoof, to hold to them and their heirs for ever ; all the said persons and their respective heirs and assigns, yearly paying as aforesaid, to the Proprietor, his heirs, and assigns, to whom the land belongs, one penny farthing the acre, for all such lands as shall be laid out in towns, and three farthings the acre, for all that shall be laid out elsewhere.

III. To every freeman that shall arrive in the said Province, within the third year, from the first day of the month commonly called April, in the year one thousand six hundred seventy and eight, to the first of the said month called April, one thousand six hundred seventy and nine, (with an intention to plant) forty acres of land English measure ; and for every able man servant that he or she shall carry or send as aforesaid, forty acres of land of like measure ; and for every weaker servant, aged as aforesaid, that shall be so carried or sent thither within the third year as aforesaid, twenty acres of land of like measure ; and after the expiration of his or their time of service, twenty acres of land for their own use and behoof, to hold to them and their heirs forever ; all the said persons and their heirs and assigns, paying yearly as aforesaid, to the Proprietor, his heirs or assigns, with whom they contract for the same, one penny half penny the acre, for what shall be laid out in towns, and one penny the acre for what shall be laid out elsewhere. All which lands that shall be possessed in the said Province are to be held under, and according to the concessions and conditions as is before mentioned, and as hereafter in the following paragraph, is more at large expressed. *Provided always*, that the before mentioned land, that shall be taken up and so settled in the Province as aforesaid, shall from the date hereof, be held upon the conditions aforesaid, containing at least two able men servants, or three such weaker servants as aforesaid, for every hundred acres, and so proportionably

for a lesser or greater quantity as one hundred acres, besides what a master or mistress shall possess, which was granted for his or her own person ; in failer of which upon notation to the present occupiant or his assigns, there shall be three years given to such for the compleating the said number of servants ; and for their sale or other disposeure of such part of their lands as are not so peopled : within which time of three years, if any person holding any land shall fail by himself, his agents, executors or assigns, or some other way to provide such number of persons, (unless the General Assembly shall without respect to poverty, judge it was impossible for the party so failing to keep his or her number of servants to be provided as aforesaid) in such case the commissioners are to summon together twelve men of the neighbourhood, upon such inquest, verdict and judgment past of such default, they are and have power of disposing of so much of such land for any term of years, not exceeding twenty years, as shall not be planted with its due number of persons as aforesaid, to some other that will plant the same, reserving and preserving to the Proprietor, or his lawful assigns, the rents to become due and owing for, or in respect of the same, according to the tenure and effect of these Concessions. And further, that every Proprietor that goeth over in person, and inhabit in the said Province, shall keep and maintain upon every lot of land that they shall take up, one person at least ; and if the lot shall exceed two hundred acres, he shall keep and maintain for every two hundred acres, the like quantity of one person at least.

And for all other Proprietors that doth but go over in person, and inhabit in the said Province, shall keep and maintain upon every lot of land that shall fall to them, one person at the least ; and if the said lot exceed one hundred acres, then upon every hundred acres that fall to them as aforesaid, they shall keep and maintain one person at the least : And if any neglect or deficiency shall be found in any of the Proprietors of their keeping and maintaining the number of persons before mentioned, that then and in that case the commissioners are to dispose upon the said lands for

any term of years not exceeding twenty, to any person or persons that will keep and maintain upon the said lands, the number of persons as before is mentioned ; reserving always unto the said Proprietors, the rents that shall fall due for the same, as before is reserved and appointed to be so. *Always provided*, that the keeping and maintaining of the said number of persons upon the several lots and number of acres before mentioned, is to continue for ten years from the date of the Concessions and no longer, except where there have been any deficiency, so as the commissioners have let the lands for a longer time to any person or persons, they are to enjoy the same during the term granted them by the commissioners, any thing in this last proviso, to the contrary notwithstanding.

Chapter V.

And for the regular laying out of all
Lands, whatsoever in the said Province,
this Method is to be followed by
the Register and Surveyor.

THAT the register to be appointed as aforesaid, having recorded any grant from any of the Proprietors, any person for any quantity or quantities of acres, shall make out a certificate to the surveyor or his deputy, enjoining him to lay out, limit and bound _____ acres of land for A B. out of the several lots of C D. one of the Proprietors in the proportions following, that is to say part thereof in the lot of the said C D.

in _____ which the surveyor or his deputy shall lay out, limit and bound accordingly, and shall certify back to the register, on what point of the compass, the several limits thereof lie, and on whose lands the several parcels but and bound ; which last certificate shall be entered by the said register, or his deputy, in a book for that purpose, with an alphabetical table of the Proprietors names, and the name of the planter or purchaser, referring to the said certificate, shall by the said register be endorsed on the back of

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the grant, with the folio of the book, in which it is entered, and his name subscribed to the said indorsement.

And that the commissioners for the time being are hereby empowered to ascertain the rates and fees of the publick register, surveyor, and other officers, as they shall see meet and reasonable, how much, or what every one shall pay for the registering and conveyance, deed, lease, specialty, certificate or other writing ; as also what shall be paid by every Proprietor for surveying, dividing, and laying out of any lands in the said Province ; which said register, surveyor, or other officer is not to exact or demand any more or greater rates, as shall be established as aforesaid.

Chapter VI.

WE do also grant convenient portions of land for highways, and for streets, not under one hundred foot in breadth, in cities, towns and villages.

And for wharfs, keys, harbours, and for public houses in such places as the commissioners for the time being (until there be a general assembly) shall appoint, and that all such lands laid out for the said uses and purposes, shall be free and exempt from all rents, taxes and other charges and duties whatsoever ; as also that the inhabitants of the said Province, have free passage through, or by any seas, bounds, creeks, rivers, rivelets in the said Province, through or by which they must necessarily pass, to come from the main ocean to any part of the Province aforesaid ; as also by land in ways laid out, or through any lands not planted or enclosed.

That all the inhabitants within the said Province of West Jersey, have the liberty of fishing in Delaware river, or on the sea coast, and the liberty of hunting, and killing of any deer, or other wild beasts, the liberty to shoot, or take any wild fowl within the said Province. *Provided always* that they do not hunt, kill, shoot, or take any such deer, wild beasts, or fowls upon the lands, that is or shall

be surveyed, taken up, inclosed, sown, and planted, except the owners of the said lands, or their assigns.

Chapter VII.

THE commissioners are to take care that lands quietly held, planted, and possessed seven years, after it's being first duly surveyed by the surveyor, surveyors, his or their lawful deputies, which shall be appointed by the said Proprietors and registered in manner as aforesaid, shall not be subject to any review, resurvey or alteration of bounds, upon any pretence, or by any pretence, or by any person or persons whatsoever.

Chapter VIII.

THE commissioners are to take care that no man if his cattle stray, range or graze on any ground, within the said Province, not actually appropriated or set out to particular persons, shall be liable to pay any trespass for the same, provided that custom of commons be not thereby pretended to, nor any person hindred from legally taking up and appropriating any land so grazed upon.

Chapter IX.

THE commissioners are to see that all courts established by the laws and constitutions of the General Assembly, and pursuant unto those Concessions, do execute their several duties and offices respectively according to the laws in force, and to displace or punish them for violating the said laws, or acting contrary to their duty and trusts, as the nature of their offences shall require; and where they see cause after condemnation or sentence past upon any person or persons by any judge, justice, or court whatsoever, the said commissioners have power to reprove and suspend the execution of the sentence, until the cause be presented, with a copy of the whole tryal, proceedings and proofs to the next General Assembly, who may accordingly either pardon, or command execution of the sentence on the offender or of-

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fenders, who are to be kept in the mean time in safe custody, until the sense of the General Assembly be known therein.

Chapter X.

TO act and do all other thing or things, that may conduce to the safety, peace and well government of the said Province, and these present Concessions, and that all inferior officers be accountable to the commissioners, and they to be accountable to the General Assembly. The commissioners are to take care that the constables of the said Province, shall collect such of Proprietors rents, who dwell not in the said Province, but in England, Ireland, or Scotland, and shall pay it to the receiver, that they shall appoint to receive the same, unless the General Assembly shall prescribe some other way, whereby they may have their rents duly collected, without charge and trouble to the said Proprietors.

Chapter XI.

THEY are not to impose or suffer to be imposed any tax, custom, or subsidy, tollage, assessment, or any other duty whatsoever, upon any colour or pretence, how specious soever, upon the said Province and inhabitants thereof, without their own consent first had, or other than what shall be imposed by the authority and consent of the General Assembly, and that only in manner and for the good ends and uses as aforesaid.

Chapter XII.

THAT the said commissioners, registers, surveyors, and all and every other publick officers of trust whatsoever, already deputed and chosen, are hereafter from time to time to be deputed and chosen, shall subscribe (in a book or books to be provided for that purpose) that they will truly and faithfully discharge their respective trusts, according to the laws of the said Province, and tennor of these Concessions, in their respective offices and duties, and do equal justice and right to all men, according to their best

skill and judgment, without corruption, favour, or affection, and the names of all that shall subscribe to be entered in the said book. And whosoever shall subscribe, and shall violate, break or any wise falsify his promise, after such subscription, shall be liable to be punished or fined, and also be made incapable of any publick office within the said Province.

The Charter or Fundamental Laws, of West New Jersey, agreed upon.

Chapter XIII.

That these following Concessions are the Common Law, or Fundamental Rights, of the Province of West New Jersey.

THAT the common law or fundamental rights and privileges of West New Jersey, are individually agreed upon by the Proprietors and freeholders thereof, to be the foundation of the government, which is not to be altered by the Legislative authority, or free Assembly hereafter mentioned and constituted, but that the said Legislative authority is constituted according to these fundamentals, to make such laws as agree with, and maintain the said fundamentals, and to make no laws that in the least contradict, differ or vary from the said fundamentals, under what pretence or alligation soever.

Charter or Fundamental Laws.

Chapter XIV.

BUT if it so happen that any person or persons of the said General Assembly, shall therein designedly, willfully, and maliciously, move or excite any to move, any matter or thing whatsoever, that contradicts or any ways subverts, any fundamentals of the said laws in the Constitution of the government of this Province, it being proved by seven honest and and reputable persons, he or they shall be proceeded against as traitors to the said government.

Chapter XV.

THAT these Concessions, law or great charter of fundamentals, be recorded in a fair table, in the Assembly House, and that they be read at the beginning and dissolving of every general free Assembly: And it is further agreed and ordained, that the said Concessions, common law, or great charter of fundamentals, be writ in fair tables, in every common hall of justice within this Province, and that they be read in solemn manner four times every year, in the presence of the people, by the chief magistrates of those places.

Chapter XVI.

THAT no men, nor number of men upon earth, hath power or authority to rule over men's consciences in religious matters, therefore it is consented, agreed and ordained, that no person or persons whatsoever within the said Province, at any time or times hereafter, shall be any ways upon any pretence whatsoever, called in question, or in the least punished or hurt, either in person, estate, or priviledge, for the sake of his opinion, judgment, faith or worship towards God in matters of religion. But that all and every such person, and persons, may from time to time, and at all times, freely and fully have, and enjoy his and their judgments, and the exercises of their consciences in matters of religious worship throughout all the said Province.

Chapter XVII.

THAT no Proprietor, freeholder or inhabitant of the said Province of West New Jersey, shall be deprived or condemned of life, limb, liberty, estate, property or any ways hurt in his or their privileges, freedoms or franchises, upon any account whatsoever, without a due tryal, and judgment passed by twelve good and lawful men of his neighbourhood first had: And that in all causes to be tryed, and in all tryals, the person or persons, arraigned may except against any of the said neighbourhood, without any reason rendered, (not exceeding thirty five) and in case of any valid reason alleged, against every person nominated for that service.

Chapter XVIII.

AND that no Proprietor, freeholder, freedenison, or inhabitant in the said Province, shall be attached, arrested, or imprisoned, for or by reason of any debt, duty, or thing whatsoever (cases felonious, criminal and treasonable excepted) before he or she have personal summon or summons, left at his or her last dwelling place, if in the said Province, by some legal authorized officer, constituted and appointed for that purpose, to appear in some court of judicature for the said Province, with a full and plain account of the cause or thing in demand, as also the name or names of the person or persons at whose suit, and the court where he is to appear, and that he hath at least fourteen days time to appear and answer the said suit, if he or she live or inhabit within forty miles English of the said court, and if at a further distance, to have for every twenty miles, two days time more, for his and their appearance, and so proportionably for a larger distance of place.

That upon the recording of the summons, and non appearance of such person and persons, a writ or attachment shall or may be issued out to arrest, or attach the person or persons of such defaulters, to cause his or their appearance in such court, returnable at

a day certain, to answer the penalty or penalties, in such suit or suits ; and if he or they shall be condemned by legal tryal and judgment, the penalty or penalties shall be paid and satisfied out of his or their real or personal estate so condemned, or cause the person or persons so condemned, to lie in execution till satisfaction of the debt and damages be made. *Provided always*, if such person or persons so condemned, shall pay and deliver such estate, goods, and chattles which he or any other person hath for his or their use, and shall solemnly declare and aver, that he or they have not any further estate, goods or chattles wheresoever, to satisfy the person or persons, (at whose suit, he or they are condemned) their respective judgments, and shall also bring and produce three other persons as compurgators, who are well known and of honest reputation, and approved of by the commissioners of that division, where they dwell or inhabit, which shall in such open court, likewise solemnly declare and aver, that they believe in their consciences, such person and persons so condemned, have not werewith further to pay the said condemnation or condemnations, he or they shall be thence forthwith discharged from their said imprisonment, any law or custom to the contrary thereof, heretofore in the said Province, notwithstanding. And upon such summons and default of appearance, recorded as afore-said, and such person and persons not appearing within forty days after, it shall and may be lawful for such court of judicature to proceed to tryal, of twelve lawful men to judgment, against such defaulters, and issue forth execution against his or their estate, real and personal, to satisfy such penalty or penalties, to such debt and damages so recorded, as far as it shall or may extend.

Chapter XIX.

THAT there shall be in every court, three justices or commissioners, who shall sit with the twelve men of the neighbourhood, with them to hear all causes, and to assist the said twelve men of the neighbourhood in case of law ; and that they the said justices shall pronounce such judgment as they shall receive from, and be directed by the said twelve men, in whom only the judgment resides, and not otherwise.

And in case of their neglect and refusal, that then one of the twelve, by consent of the rest, pronounce their own judgment as the justices should have done.

And if any judgment shall be past, in any case civil or criminal, by any other person or persons, or any other way, then according to this agreement and appointment, it shall be held null and void, and such person or persons so presuming to give judgment, shall be severely fin'd, and upon complaint made to the General Assembly, by them be declared incapable of any office or trust within this Province.

Chapter XX.

THAT in all matters and causes, civil and criminal, proof is to be made by the solemn and plain averment, of at least two honest and reputable persons ; and in case that any person or persons shall bear false witness, and bring in his or their evidence, contrary to the truth of the matter as shall be made plainly to appear, that then every such person or persons, shall in civil causes, suffer the penalty which would be due to the person or persons he or they bear witness against. And in case any witness or witnesses, on the behalf of any person or persons, indicted in a criminal cause, shall be found to have born false witness for fear, gain, malice or favour, and thereby hinder the due execution of the law, and deprive the suffering person or persons of their due satisfaction, that then and in all other cases of false evidence, such person or persons, shall be first severely fined, and next that he or they shall forever be disabled from being admitted in evidence, or into any publick office, employment, or service within this Province

Chapter XXI.

THAT all and every person and persons whatsoever, who shall prosecute or prefer any indictment or information against others for any personal injuries, or matter criminal, or shall prosecute for any other criminal cause, (treason, murther, and felony, only excepted) shall and may be master of his own process,

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and have full power to forgive and remit the person or persons offending against him or herself only, as well before as after judgment, and condemnation, and pardon and remit the sentence, fine and punishment of the person or persons offending, be it personal or other whatsoever.

Chapter XXII.

THAT the tryals of all causes, civil and criminal, shall be heard and decided by the virdict or judgment of twelve honest men of the neighbourhood, only to be summoned and presented by the sheriff of that division, or propriety where the fact or trespass is committed; and that no person or persons shall be compelled to fee any attorney or councillor to plead his cause, but that all persons have free liberty to plead his own cause, if he please: And that no person nor persons imprisoned upon any account whatsoever within this Province, shall be obliged to pay any fees to the officer or officers of the said prison, either when committed or discharged.

Chapter XXIII.

THAT in all publick courts of justice for tryals of causes, civil or criminal, any person or persons, inhabitants of the said Province may freely come into, and attend the said courts, and hear and be present, at all or any such tryals as shall be there had or passed, that justice may not be done in a corner nor in any covert manner, being intended and resolved, by the help of the Lord, and by these our Concessions and Fundamentals, that all and every person and persons inhabiting the said Province, shall, as far as in us lies, be free from oppression and slavery.

Chapter XXIV.

For the preventing of Fraud,
Deceit, Collision in Bargains,
Sales, Trade and Traffick,
and the usual Contests, Quar-
rels, Debates and utter ruin,

*Which have attended the People in many Nations, by
costly, tedious vexatious and Law suits, and for a due set-
tlement of Estates.*

IT IS agreed, concluded, and ordained, that there be kept a register at London, within the Nation of England. And also another register within the Province of New West Jersey, and that all deeds, evidences, and conveyances of land in the said Province of New West Jersey, that shall be executed in England, may also be there registered; and once every year, the register of the said deeds and conveyances, so registered, shall be duly transmitted under the hands of the register and three Proprietors, unto the commissioners in New West Jersey, to be enroled in the publick register of the said Province. As also that the chief register, which the said Proprietors have deputed or chosen, or shall depute or choose failing, that the commissioners shall depute or choose, or which the General Assembly of the said Province, hereafter mentioned, shall depute or choose, shall keep exact entries and registers in fair books, or rolls for that purpose to be provided, of all publick affairs, and therein shall record and enter all grants of land, from the Proprietors to the planters, and all conveyances of land, house or houses, from man to man, as also all assignments, mortgages, bonds, specialties whatsoever, and all leases for land, house or houses, from man to man, as also all assignments, mortgages, bonds, specialties whatsoever, and all leases for land, house or houses, made, or to be made from landlord to tenant, and from person to person; which conveyances, leases, assignments, mortgages, bonds, and specialties which shall be executed in West New Jersey, shall be first acknowledged by the grantor, assignor, and obligor, be-

fore the said commissioners or two of them at least, or some two of their lawful deputies for the time being ; who shall under their hands, upon the back side of the said deed, lease, assignment, mortgage, or specialty, attest the acknowledgement thereof as aforesaid, which shall be a warrant, for the register to record the same ; and such conveyance or specialty, if sealed, executed, acknowledged before three Proprietors, in the nation of England, or Ireland, and recorded or registered there within three months after the date thereof, or if sealed, executed and acknowledged in the said Province, or elsewhere out of England, and recorded or registered within six months after the date thereof, shall be good and effectual in law, and for passing or transferring of estates in lands, tenements, or hereditaments, shall be as effectual as if delivery and seizen were executed of the same. And all other conveyances, deeds, leases, or specialties not recorded as aforesaid, shall be of no force nor effect : And the said register, shall do all other thing or things, the said Proprietors by their instructions shall direct, or the commissioners or Assembly shall ordain, for the good and welfare of the said Province.

Chap. XXV.

That there may be a good understanding and friendly correspondence between the Proprietors, Freeholders, and Inhabitants of the said Province, and the Indian Natives thereof.

IT IS concluded and agreed, that if any of the Indian natives within the said Province, shall or may do any wrong or injury to any of the Proprietors, freeholders, or inhabitants, in person, estate or otherways however, upon notice thereof, or complaint made to the commissioners, or any two of them, they are to give notice to the Sachem, or other chief person or persons, that hath authority over the said Indian native or natives, that justice may be done, and satisfaction made to the person or persons offended,

according to law and equity, and the nature and quality of the offence and injury done or committed.

And also in case any of the Proprietors, freeholders, or inhabitants shall any wise wrong, or injure any of the Indian natives there, in person, estate or otherwise, the commissioners are to take care upon complaint to them made, or any one of them, either by the Indian natives, that justice be done to the Indian natives, and plenary satisfaction made them according to the nature and quality of the offence and injury. And that in all tryals wherein any of the said Indian natives are concerned, the tryal to be by six of the neighbourhood, and six of the said Indian natives, to be indifferently and impartially chosen by order of the commissioners, and that the commissioners use their endeavour, to perswade the natives to the like way of tryal, when any of the natives do any ways wrong or injure the said Proprietors, freeholders or inhabitants, that they choose six of the natives, and six of the freeholders or inhabitants, to judge of the wrong and injury done, and to proportion satisfaction accordingly.

Chapter XXVI.

IT is agreed when any lands is to be taken up for settlements of towns, or otherways, before it be surveyed, the commissioners or the major part of them are to appoint some persons to go to the chief of the natives concerned in that land, so intended to be taken up, to acquaint the natives of their intention, and to give the natives what present they shall agree upon, for their good will or consent, and take a grant of the same in writing, under their hands and seals, or some other publick way used in those parts of the world; which grant is to be registered in the publick register, allowing also the natives (if they please) a copy thereof, and that no person or persons, take up any land, but by order from the commissioners, for the time being.

Chapter XXVII.

THAT no ship master or commander of any ship or vessel, shall receive into his ship or vessel, to carry unto any other nation, country or plantation, any person or persons whatsoever, without a certificate first had and obtained under the hands and seals of the commissioners, or any two of them, that the said person or persons are clear, and may be taken on board, signifying that the said person or persons names have been put up at three public places of the Province, appointed by the commissioners for that purpose, for the space of three weeks giving notice of his or their intention to transport themselves.

Chapter XXVIII.

That Men may peaceably and quietly enjoy their Estates.

IT is agreed if any person or persons shall steal, rob, or take any goods or chattles, from or belonging to any person or persons whatsoever, he is to make restitution two fold out of his or their estate ; and for want of such estate, to be made to work for his theft, for such time and times as the nature of the offence doth require, or until restitution be made double for the same, or as twelve men of the neighbourhood shall determine, being appointed by the commissioners, not extending either to life or limb.

If any person or persons, shall willfully beat, hurt, wound, assault, or otherways abuse the person or persons of any man, woman, or child, they are to be punished according to the nature of the offence, which is to be determined by twelve men of the neighbourhood, appointed by the commissioners.

Chapter XXIX.

For securing Estates of Persons that die,
and taking care of Orphans.

First. IF any person or persons die, the commissioners are to take care that the will of the deceased be duly performed, and security given by those that prove the will: And that all wills or testaments be registered in a public register appointed for that purpose, and the person and persons that prove the same, to bring in one true inventory under their hands of all the estate of the deceased, and to have a warrant under the hands of three commissioners, and the publick seal of the Province, intimating that they have brought in an inventory of the estate, and given security. Then and not before, are they to dispose upon the estate.

II. If any person die intestate, leaving a wife and children, the commissioners are to take security from the person that shall administer, to secure two parts of the estate for the children, and the third to the wife, if there be any, and if there be no child, then half to the next of kin, and the other to the wife.

III. If the parents of children be dead, and no will made, then the commissioners are to appoint two or more persons to take the charge of the children, and estate, and to bring in an inventory of the estate to be registered, and that the said persons are to make good to the children, what part of the estate shall come into their hands, and to give a true account of their receipts and disbursements, to be approved of by the commissioners.

IV. If parents die, leaving child or children, and no estate, or not sufficient to maintain and bring up the said child or children, in that case the commissioners are to appoint persons to take care for the child or children, to bring them up in such manner as the commissioners shall appoint, and the charges thereof to be born by the publick stock of the Province; and if none be established, then by tax to be

levied by twelve men of the neighbourhood, with the consent of the commissioners, or the main part of them.

Chapter XXX.

In Case when any Person or Persons kill or destroy themselves, or be killed by any other thing.

IT is agreed if any man or woman shall wilfully put hand and kill him or herself, the estate of such person or persons, is not to be forfeited, but the kindred, heirs or such other as of right the estate belongs to, may enjoy the same: Or if any beast or ship, boat or other thing, should occasion the death of any person or persons, nevertheless the said beast, ship, boat, or other thing is not to be forfeited, but those to whom they belong may enjoy the same. *Provided always*, that the said beast did not wilfully kill the said person, or hath been known to attempt or addicted to mischief, or hath been found to hurt or kill any person; then the said beast is to be killed.

Chapter XXXI.

ALL such person or persons as shall be upon tryal found guilty of murder, or treason, the sentence and way of execution thereof, is left to the General Assembly to determine as they in the wisdom of the LORD shall judge meet and expedient.

The General Assembly and their Power.

Chapter XXXII.

THAT so soon as divisions or tribes, or other such like distinctions are made; that then the inhabitants, freeholders, and Proprietors, resident upon the said Province, or several and respective tribes, or divisions or distinctions aforesaid, do yearly and every year meet on the first day of October, or the eight

month, and choose one Proprietor or freeholder for each respective propriety in the said Province, (the said Province being to be divided into one hundred proprieties) to be deputies, trustees, or representatives for the benefit, service and behoof of the people of the said Province: which body of Deputies, trustees or representatives, consisting of one hundred persons, chosen as aforesaid, shall be the general, free and supream assembly of the said Province for the year ensuing and no longer. And in case any member of the said Assembly during the said year, shall decease or otherwise be rendered incapable of that service, that then the inhabitants of the said propriety, shall elect a new member to serve in his room for the remainder of the said year.

Chapter XXXIII.

And to the end the respective Members of the Yearly Assembly to be chosen may be regularly and impartially elected.

THAT no person or persons who shall give, bestow or promise directly or indirectly to the said parties electing, any meat, drink, money or money's worth, for procurement of their choice and consent, shall be capable of being elected a member of the said Assembly. And if any person or persons, shall be at any time corruptly elected, and sufficient proof thereof made to the said Free Assembly, such person or persons so electing or elected, shall be reckoned incapable to choose or sit in the said Assembly, or execute any other public office of trust within the said Province, for the space of seven years thence next ensuing. And also that all such elections as aforesaid, be not determined by the common and confused way of cry's and voices, but by putting balls into balloting boxes, to be provided for that purpose, for the prevention of all partiality, and whereby every man may freely choose according to his own judgment, and honest intention.

Chapter XXXIV.

TO appoint their own times of meeting, and to adjourn their sessions from time to time (within the said year) to such times and places as they shall think fit and convenient, as also to ascertain the number of their quorum, provided such numbers be not less than one half of the whole, in whom (or more) shall be the full power of the General Assembly; and that the votes of two thirds of the said quorum, or more of them if assembled together as aforesaid, shall be determinative in all cases whatsoever coming in question before them, consonant and conformable to these Concessions and fundamentals.

Chapter XXXV.

THAT the said Proprietors and freeholders at their choice of persons to serve them in the General and Free Assembly of the Province, give their respective Deputies or trustees, their instructions at large, to represent their grievances, or for the improvement of the Province: And that the persons chosen, do by indentures under hand and seal, covenant and oblige themselves to act nothing in that capacity but what shall tend to the fit service and behoof of those that send and employ them; and that in case of failer of trust, or breach of covenant, that they be questioned upon complaint made, in that or the next Assembly, by any of their respective electors.

And that each member of the Assembly chosen as aforesaid, be allowed one shilling per day, during the time of the sitting of the Assembly, that thereby he may be known to be the servant of the people: which allowance of one shilling per day, is to be paid him by the inhabitants of the propriety or division that shall elect him.

Chapter XXXVI.

THAT in every General Free Assembly, every respective member hath liberty of speech; that no man be interrupted when speaking; that all questions

be stated with deliberation and liberty for amendments ; that it be put by the chairman, by them to be chosen, and determined by plurality of votes. Also that every member has power of entering his protest and reasons of protestations. And that if any member of such Assembly shall require to have the persons names registered, according to their yea's and no's, that it be accordingly done : And that after debates are past, and the question agreed upon, the doors of the house be set open, and the people have liberty to come in to hear and be witnesses of the votes, and the inclinations of the persons voting.

Chapter XXXVII.

AND that the said Assembly do elect, constitute and appoint ten honest and able men, to be Commissioners of State, for managing and carrying on the affairs of the said Province, according to the law therein established, during the adjournments and desolutions of the said General free Assembly, for the concervation and tranquility of the same.

Chapter XXXVIII.

THAT it shall be lawful for any person or persons during the session of any General Free Assembly in that Province, to address, remonstrate or declare any suffering, danger or grievance, or to propose, tender or request any privilege, profit, or advantage to the said Province, they not exceeding the number of one hundred persons.

Chapter XXXIX.

TO enact and make all such laws, acts and constitutions as shall be necessary for the well government of the said Province, (and them to repeal) *provided* that the same be, as near may be conveniently, agreeable to the primitive, antient and fundamental laws of the nation of England. *Provided also*, that they be not against any of these our Concessions and fundamentals before or hereafter mentioned.

Chapter XL.

BY act as aforesaid, to constitute all courts, together with the limits, powers, and jurisdictions of the same, (consonant to these Concessions) as also the several judges, officer and number of officers belonging to each court, to continue such time as they shall see meet, not exceeding one year or two at the most, with their respective sallaries, fees and perquisites, and their appellations, with the penalties that shall be inflicted upon them, for the breach of their several and respective duties and trusts. And that no person or persons whatsoever, inhabitants of the said Province, shall sustain or bear two offices in the said Province, at one and at the same time.

Chapter XLI.

THAT all the justices and constables be chosen by the people and all commissioners of the publick seals, treasuries, and chief justices, ambassadors, and collectors be chosen by the General Free Assembly.

Chapter XLII.

THAT the commissioners of the treasury of the said Province, bring in their account at the end of their year, unto the General Free Assembly, there to be seen and adjusted ; and that every respective member, carry a copy thereof, unto that hundred of propriety he serves, for to be registered in the capital publick court of that propriety.

Chapter XLIII.

BY act as aforesaid, to lay equal taxes and assessments, and equally to raise money's or goods, upon all lands or persons, within the several proprieties, precincts, hundreds, tribes, or whatsoever other divisions shall hereafter be made and established in the said Province, as oft as necessity shall require, and in such manner as to them shall seem most equal and easy to the inhabitants, in order to the better supporting of the publick charge of the said government, as also for the publick benefit and advantage of the said people and Province.

Chapter XLIV.

BY act as aforesaid, to subdivide the said Province into hundreds, proprieties, or such other divisions, and distinctions, as they shall think fit ; and the said divisions, to distinguish by such names as shall be thought good ; as also within the said Province, to direct and appoint places, for such and so many towns, cities, ports, harbours, creeks, and other places, for the convenient loading and unloaden of goods and merchandize, out of the ships, boats and other vessels, as shall be expedient, with such jurisdictions, privileges and franchises, to such cities, ports, harbours, creeks, or other places, as they shall judge most conducing to the general good of the said Province, and people thereof ; and to erect, raise and build within the said Province, or any part thereof, such and so many market towns, and villages, and also appoint such and so many markets, and fairs, and in such place and places as they shall see meet, from time to time, as the grant made and assigned unto the said Proprietors will permit and admit.

In testimony and witness of our consent to and affirmation of these present laws, concessions and agreements. we the Proprietors, freeholders, and inhabitants of the said Province of West New Jersey, whose names are under written, have to the same voluntarily and freely set our hands, dated this third day of the month commonly called March, in the year of our Lord one thousand six hundred and seventy six.

E. Bylynge,
Richard Smith,
Edward Nethorp,
John Penford,
Daniel Wills,
Thomas Ollice,
Thomas Rudyard,
William Biddle,
Robert Stacy,
John Farrington,
William Roydon,
Richard Mew,

Gawen Laurie,
William Penn,
William Emley,
Joshua Wright,
Nicholas Lucas,
William Haig,
William Peachee,
Richard Mathews,
John Haracis,
Francis Collins,
William Kent,
Benjamin Scott,

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Percivall Towle,
Mahlon Stacy,
Thomas Budd,
Samuel Jeninns,
John Lambert,
William Heulings,
George Deacon,
John Thompson,
Edward Bradway,
Richard Guy,
James Nevill,
William Cantwell,
Fospe Ontstont,
Machgyel Baron,
Gasp. Herman,
Turrse Plese,
Robert Kemble,
John Cornelise,
Garret Van Jumne,
William Gill Johnson,
Michael Lackerouse,
Markas Albus,
Evert Aldricks,
Hendrick Everson,
Jillis Tomesen,
Claas Jauson,
Richard Warsan,
Christopher White,
Paul Doequet,
John Maddocks,
John Forrist,
James Vicary,
William Rumsey,
Richard Robison,
Mark Reeve,
Thomas Watson,
Samuel Nicholson,
Daniel Smith,
Richard Daniel,
William Penton,
William Daniel,
Robert Zane,
Walter Peiterson,
Anthony Page,

Thomas Lambert,
Thomas Hooton,
Henry Stacy,
Aert. Jansen,
John Surege,
Thomas Smith,
James Pearce,
Edward Web,
John Pledger,
Richard Willkinson,
Christopher Sanders,
Reneare Vanhurst,
William Johnston,
Charles Bagley,
Samuel Wade,
Thomas Woodrose,
John Smith,
Thomas Peirce,
William Warner,
Joseph Warne,
Isaac Smart,
Andrew Thompson,
Thomas Kent,
Henry Jenings,
Henry Stubbens,
William Willis,
George Hazelwood,
Rodger Pedrick,
William Hughes,
Abraham Vanhighst,
Hipolitas Lefever,
William Wilkinson,
Andrew Shennock,
Lause Cornelious,
Samuel Hedge,
William Master,
John Grubb,
John Worlidge,
E. Meyor,
Thomas Barton,
Robert Powel,
Thomas Harding,
Mathew Allen,
R. Right,

Andrew Bartletson,	Godfrey Hancock,
Woolley Woollison,	John Petty,
Anthony Dickson,	Abraham Hewlings,
John Denna,	John Newbold,
Thomas Benson,	John White,
John Paine,	John Roberts,
Richard Buffington,	John Wood,
Samuel Lovet,	John Gosling,
Barnard Devenish,	Thomas Revel,
Thomas Stokes,	Eliazer Fenton,
Thomas French,	Samuel Oldale,
Isaac Marriot,	William Black,
John Butcher,	Anthony Woodhouse,
Geo. Hutchinson,	Daniel Leeds,
Thomas Gardner,	John Pancoast,
Thomas Eves,	Francis Beswick,
John Borton,	William Laswall,
John Paine,	John Snowden,
Richard Fenimore,	Gruna Jacobson,
Thomas Schooley,	

February so called 1755.

The foregoing is a true copy taken from the original Concessions of the Proprietors and planters of West Jersey, and carefully examined therewith.

per DANIEL SMITH, junr.

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Duke of York's
Second Grant
to William Penn,
Gawu Lawry,
Nicholas Lucas,
John Eldridge,
Edmund Warner,
and Edward
Byllynge, for
the Soil and
Government of
West New Jer-
sey. August 6,
1680.

THIS INDENTURE made the sixth day of August, Anno Domini, 1680, and in the two and thirtieth year of the reign of King CHARLES the Second, over England, &c. between his Royal Highness, JAMES Duke of York, and Albany, Earl of Ulster, &c. and brother to our Sovereign Lord the King, of the one part; Edward Byllynge of Westminster, in the county of Middlesex, gentleman; William Penn, late of Rickmansworth, in the county of Hertford, and now of Warminghurst, in the county Sussex, Esq; Gawen Lawry, of London, merchant; Nicholas Lucas, of Hertford, in the said county of Hertford, maulster, John Eldridge, of St. Pauls Shadwell, in the county of Middlesex, tanner, and Edmond Warner, citizen of London, of the other part. WHEREAS our Sovereign Lord the King's Majesty in and by his Letters Patent, under the great seal of England, bearing date the twelfth day of March in the sixteenth year of his said Majesty's reign, did (amongst several other things therein mentioned) give and grant unto his said Royal Highness, the said JAMES Duke of York, his heirs and assigns, all that tract of land adjacent to New England, in the parts of America, and lying and being to the westward of Long Island, and Manhattas Island, and bounded on the east part by the main sea, and part by Hudson river, and bath upon the west Delaware bay or river, and extendeth southward, to the main ocean, as far as Cape May, at the mouth of Delaware bay, and to the northward, as far as the northernmost branch of said bay or river of Delaware, which is in one and forty degrees, and forty minutes of lattitude, and crossing over thence in a straight line to Hudsons river, in one and forty degrees of latitude. Which said tract of land, was then after to be called by the name of New Cæsarea, or New Jersey, with all the lands, island, soiles, rivers, harbours, mines, minerals, quarries, woods, marshes, waters, lakes, fishings, hawkings, huntings, and fowlings, and all other royalties, profits, commodities, and heriditaments, unto the said premises belonging and appertaining; with their and every of their appurtenances, and all his said Majesty's estate, right, titles interest, benefit, advantage, claim and demand of, in and to the same premises, or any part or parcel thereof, and the reversion and reversions, remainder, and remainders, together with the yearly and

other rents, revenues and proffits of the same, and of every part and parcel thereof, to hold unto his said Royal Highness, the said JAMES Duke of York, his heirs and assigns for ever, to be holden of his said Majesty, his heirs and successors, amongst other things therein granted, as of his Majesty's manor of East Greenwich, in his Majesty's county of Kent, in free and common soccage, and not in capite, by knight service, under the yearly rent therein mentioned. And whereas his Royal Highness the said JAMES Duke of York, did heretofore by several good and sufficient conveyances and assurances, under his hand and seal, duly executed, and dated the three and twentieth and four and twentieth days of June, in the sixteenth year of his said Majesty's reign, for the consideration therein mentioned, grant and convey the said tract of land, and premises before mentioned, unto John Lord Berkley, Baron of Stratton, and one of his Majesty's most honourable privy Council, and Sir George Carteret of Saltrum, in the county of Devon, knight, and baronet, and one of his Majesty's most honourable privy Council, and their heirs, the said tract of land and premises before particularly mentioned, and the reversion and reversions, remainder and remainders of the same, to hold unto the said John Lord Berkley, and Sir George Carteret, their heirs and assigns for ever, under the yearly rent of twenty nobles sterling, payable as the same is therein reserved to be paid. And whereas the said John Lord Berkley, did afterwards convey all his full and undivided moiety of all and singular the same premisses, unto John Fenwick, Esqr; his heirs and assigns for ever, in trust, and by the said John Fenwick owned to be in trust for the said Edward Byllynge, his heirs and assigns for ever. And the said John Fenwick, afterwards by the consent and direction of the said Edward Byllynge, and also the said Edward Byllynge did convey the said undivided moiety of the premises, unto the said William Penn, Gawen Lawry, and Nicholas Lucas, and their heirs, to the uses following, (that is to say) as to ten equal and undivided hundred parts thereof to the use of the said John Fenwick, and of his heirs and assigns forever; and as to the other ninety equal and undivided parts being the residue of the said undivided moiety, to the use of the said

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William Penn, Gawen Lawry, and Nicholas Lucas, their heirs and assigns forever, in trust for the said Edward Byllynge, his heirs and assigns forever. After which the said John Fenwick, conveyed all his said ten equal and undivided hundred parts, of the said undivided moiety, unto John Eldridge, and Edmund Warner their heirs and assigns forever. And the said John Eldridge, and Edmond Warner, did convey the same ten equal and undivided hundred parts, unto the said William Penn, Gawen Lawry, and Nicholas Lucas their heirs and assigns forever, the better to enable them the said Edward Byllynge, William Penn, Gawen Lawry, and Nicholas Lucas, to make a partition of the said intire premisses, with the said Sir George Carteret. And whereas afterwards upon a partition made of the said whole and intire premisses, between the said Sir George Carteret, and the said William Penn, Gawen Lawry, Nicholas Lucas, Edward Byllynge, the said Sir George Carteret, did bargain, sell, release, and confirmed unto the said William Penn, Gawen Lawry, and Nicholas Lucas, their heirs and assigns forever, all that westernly part, share and portion of the said whole and intire tract of land and premisses as before mentioned, which is extending southward, and westward, and northward, along the sea coasts, and the before mentioned bay, or river, called Delaware bay and Delaware river, unto a certain point there, now called the south partition point, being the most southerly point of the east side of a certain place, or harbour, lying on the southern part of the said tract of land and premises, called or known in the map of the said premisses, by the name of Little Egg Harbour, unto a certain other point there, now called the north partition point, being the most northerly point, branch, or part of the said river, called Delaware river; and from thence, that is to say, from the said north partition point, extending southward unto the said south partition point, by a streight and direct line drawn through the said tract of land, from the said north partition point, unto the said south partition point, by the consent and agreement of the said parties, now called the line of partition, and by them intended for the dividing and making a partition of the said westernly part, share and portion, from the easternly part, share and portion, of the said tract of land and

premises. And all and every the isles, islands, rivers, mines, minerals, woods, fishings, hawkings, huntings, fowlings, and all other royalties, powers, franchises, harbours, profits, commodities, and heriditaments, whatsoever unto the said westernly part, share and portion, belonging or appertaining. And all the estate, right, title and interest, claim and demand whatsoever of him the said Sir George Carteret, of, in, unto and out of the same, and the reversion and reversions, remainder and remainders of the same, and of every part and parcel: All which said westernly part, share and portion, was then and now is by the consent and agreement of the said parties, the said Sir George Carteret, William Penn, Gawen Lawry, Nicholas Lucas, and Edward Byllynge, called and agreed from thenceforth to be called by the name of West New Jersey, and all that and only all that part, share and portion, and all those parts, shares and portions of the said tract of land and premises, so conveyed by the said JAMES Duke of York, unto the said John Lord Berkley, and Sir George Carteret as aforesaid, as lyeth, and lye extended westward and southward, from the west side of the said line of partition before mentioned, To hold unto the said William Penn, Gawen Lawry, and Nicholas Lucas, their heirs and assigns, in severalty to the use of them, their heirs and assigns forever. Upon which partition so made, they the said William Penn, Gawen Lawry, and Nicholas Lucas, became seized of all that westernly part of the said premises as now called West New Jersey, with the appurtenances in severalty. And being so seized pursuant to a trust for that purpose reposed in them, they conveyed ten full equal undivided hundred parts of the said westernly part of the said premises, called West New Jersey, unto the said John Eldridge, and Edmund Warner, and their heirs, to hold unto them and their heirs, to the use of them and their heirs forever. And the said William Penn, Gawn Lawry, and Nicholas Lucas, remaining still seized of the other ninety equal and undivided hundred parts of the said westernly part of the said premises called West New Jersey, to them and their heirs forever, but always in trust for the said Edward Byllynge, his heirs and assigns forever. And whereas since the making and executing of the said conveyance so made by his Royal Highness unto the said John Lord Berkley, and Sir George Car-

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teret, as aforesaid, and in the times of the late war, between his said Majesty and the States of the United Provinces of the Netherlands, the armies and subjects of the said States General gained the possession not only of the said premises, so by his said Royal Highness, conveyed unto the said John Lord Berkley, and Sir George Carteret, as aforesaid, but also of other the lands and hereditaments, which were originally granted unto his said Royal Highness, by his said Majesty's said Letters Patents hereinbefore recited. All which were afterwards regained from the said States, or by them delivered up unto his said Majesty. AND WHEREAS his said Majesty did by other his Letters Patents, dated the twenty ninth day of June, in the six and twentieth of his Majesty's reign, grant and convey unto his said Royal Highness and his heirs forever, as well the said tract of land and premises herein before recited to have been granted and conveyed by his said Royal Highness, unto the said John Lord Berkley, and Sir George Carteret, as aforesaid, as all other the lands and hereditaments in and by the said herein first before recited Letters Patents granted or mentioned to be granted. AND WHEREAS by the said several grants so made by his said Majesty unto his said Royal Highness as aforesaid, several powers and authority are and were given and granted unto his said Royal Highness, his heirs and assigns to be executed by his said Royal Highness, his heirs and assigns, or by the deputies, agents or commissioners of his said Royal Highness, his heirs or assigns, which, are necessary as well for the planting, peopling and improving of all and every the respective lands, places and territories thereby granted, and for the transporting thither from time to time, such of his Majesty's subjects as should be willing to go or be transported into those parts, or any of them; as for the defending, guarding and keeping of the same; as also for the well governing of the same, and of all such as are or shall be inhabiting in the same, and for the making, ordaining and executing of necessary and convenient laws and constitutions, in order to such government, and the punishing and pardoning offences, and offenders, as occasion shall require; and to nominate, make, ordain, constitute and confirm, and also to revoke, discharge, change and alter all and singular governors, officers, and ministers, which by his said

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Royal Highness, his heirs or assigns, shall be from time to time, thought fit or needful to be made, ordained, appointed or used in the said parts or places, or any of them. And to do all other things needful, and useful, and necessary for the well governing, keeping, defending and preserving the said respective places and territories, and of every of them and all such as are and shall be inhabitants thereof. Now these presents witness, that for and in consideration of a competent sum of lawful English money, unto his said Royal Highness in hand paid, and for the better extinguishing all such claims, and demands, as his said Royal Highness may any ways have of or in the premises aforesaid, now called West New Jersey, or any part of them ; and for the further and better settling, conveying, assuring, and confirming of the same, and of every part thereof, according to the purport and true meaning of these presents, his said Royal Highness, the said JAMES Duke of York, hath granted, bargained, sold, and confirmed, and by these presents, doth grant, bargain, sell, and confirm unto the said William Penn, Gawen Lawry, Nicholas Lucas, John Eldridge, and Edmund Warner, all that part, share and portion, and all those parts, shares and portions of all that entire tract of land, and all those entire premises so granted by his said Royal Highness unto the said John Lord Berkley, and Sir George Carteret, and their heirs as aforesaid, as in, by, and upon the said partition aforesaid, was and were vested in the said William Penn, Gawen Lawry, and Nicholas Lucas, and their heirs, and then agreed to be called by the name of West New Jersey, together with all islands, bays, rivers, waters, forts, mines, quarries, royalties, franchises, and appurtenances whatsoever, to the same belonging, or in any wise appertaining. And all the estate, right title, interest, reversion, remainder, claim and demand whatsoever, as well in law as in equity, of him the said JAMES Duke of York, of, into, and out of the same, or any part or parcel of the same ; as also the free use of all bays, rivers and waters, leading unto or lying between the said premises, or any of them in the said parts of America, for navigation, free trade, fishing or otherwise, to have and to hold, unto the said William Penn,

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Gawen Lawry, Nicholas Lucas, John Eldridge, and Edmond Warner, their heirs and assigns forever, to the uses following, (that is to say) as to ten equal and undivided hundred parts thereof, to the use of the said John Eldridge and Edmund Warner, and of their heirs, and assigns forever. And as to the other ninety equal and undivided hundred parts thereof, to the use of the said William Penn, Gawen Lawry, and Nicholas Lucas, and of their heirs and assigns forever; in trust nevertheless for the said Edward Byllynge, his heirs and assigns forever. Yeilding and paying therefore yearly for the said whole entire premises, unto his Royal Highness, his heirs and assigns, the yearly rent of ten nobles of lawful English money, at or in the Middle Temple Hall London, at or upon the feast day of St. Michael the Arch Angel. And these further witness, that for the better enabling the said Edward Byllynge, his heirs and assigns, to improve and plant the said premises with people, and to exercise all necessary government there, whereby the said premises may be the better improved and made more useful to him, his heirs and assigns, and to the King's Majesty, his said Royal Highness hath likewise given, granted, assigned and transferred, and doth by these presents give, grant, assign, and transfer unto the said Edward Byllynge, all and every such the same powers, authorities, jurisdictions, governments, and other matters and things whatsoever, which by the said respective recited Letters Patents, or either of them, are and were granted, or intended to be granted, to be exercised by his said Royal Highness, his heirs, assigns, deputies, officers, or agents, in, upon, or in relation unto the said premises hereby confirmed, or intended to be confirmed, and every of them, in case the same were now in the actual seizen of his said Royal Highness, to be held, enjoyed, exercised and executed by him the said Edward Byllynge, his heirs and assigns, and by his deputies, officers, agents and commissioners, as fully and amply to all intents, constructions and purposes as his said Royal Highness, or his heirs, might, could or ought to hold, enjoy, use, exercise or execute the same, by force and virtue of the said several and respective and before recited Letters Patents, or either of them, or of any thing in them,

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or either or any of them conteyned or otherways however.
In witness wherof the parties to these presents have here-
unto interchangeably set their hands and seal, the day and
year first above written,

JAMES.

Signed, sealed and delivered by his Royal Highness
JAMES Duke of York, within named, in the presence of John
Worden, Thomas Heywood.

Thomas Heywood maketh oath, that he the day and year
within written, saw his Highness the Duke of York, sign,
seal, and as his act, and deed, deliver this indenture to the
use within mentioned, and afterwards subscribed his name
as a witness, Thomas Heywood.

Jur. 3d, die. September 1680.

Cor. me Magis. Chane.

J. CLERKE.

The foregoing is a true copy taken from and compared with
the record in the Secretary's office at Burlington, in Lib.
M. of deeds, folio, 318. &c.

Examined per.

SAMUEL PEART, Dep. Secretary.



ACTS

AND

PROCEEDINGS

OF THE

LEGISLATURE

OF

WEST-JERSEY,

Between the 25th of November, 1681,
and the 21st of May, 1701.



Province of West New-Jersey, in America, the 25th of the ninth Month called Novem- ber, 1681.

FORASMUCH as it hath pleased God, to bring us into this Province of West New Jersey, and settle us here in safety, that we may be a people to the praise and honour of his name, who hath so dealt with us, and for the good and welfare of our posterity to come, we the Governor and Proprietors, freeholders and inhabitants of West New Jersey, by mutual consent and agreement, for the prevention of innovation and oppression, either upon us or our posterity, and for the preservation of the peace and tranquility of the same; and that all may be encouraged to go on cheerfully in their several places: We do make and constitute these our agreements to be as fundamentals to us and our posterity, to be held inviolable, and that no person or persons whatsoever, shall or may make void or disanul the same upon any pretence whatsoever.

I. That there shall be a General Free Assembly for the Province aforesaid, yearly and every year, at a day certain, chosen by the free people of the said Province, whereon all the representatives for the said Province, shall be summoned to appear, to consider of the affairs of the said Province, and to make and ordain such acts, and laws, as shall be requisite and necessary for the good government and prosperity of the free people of the said Province; and (if necessity shall require) the Governor for the time being, with the consent of his Council, may and shall issue out writts to convene the Assembly sooner, to consider and answer the necessities of the people of the said Province.

For a General
Assembly at a
Day certain.

II. That the Governor of the Province aforesaid, his heirs or successors for the time being, shall not suspend or defer the signing, sealing and confirming of such acts and laws as the General Assembly (from time to time to be elected by the free people of the Province aforesaid) shall make or act for the securing of

For the Gov-
ernor's confirm-
ing the Acts of
the Assembly.

the liberties and properties of the said free people of the Province aforesaid.

The Governor
not to make War
or raise Forces,
without the Gen-
eral Assembly.

III. That it shall not be lawful for the Governor of the said Province, his heirs or successors for the time being, and Council, or any of them, at any time or times hereafter, to make or raise war upon any accounts or pretence whatsoever, or to raise any military forces within the Province aforesaid, without the consent and act of the General Free Assembly for the time being.

The Governor
not to make
Laws without
the Assembly.

IV. That it shall not be lawful for the Governor of the said Province, his heirs or successors for the time being, and Council, or any of them, at any time or times hereafter, to make or enact any law or laws for the said Province, without the consent, act and concurrence of the General Assembly; and if the Governor for the time being, his heirs or successors and Council, or any of them, shall attempt to make or enact any such law or laws of him or themselves without the consent, act and concurrence of the General Assembly; that from thenceforth, he, they, or so many of them as shall be guilty thereof, shall, upon legal conviction, be deemed and taken for enemies to the free people of the said Province; and such act so attempted to be made, to be of no force.

The Assembly
not to be pro-
rogued or dis-
solved within
their year with-
out their con-
sent.

V. That the General Free Assembly from time to time to be chosen as aforesaid, as the representatives of the people, shall not be prorogued or dissolved (before the expiration of one whole year, to commence from the day of their election) without their own free consent.

Not to raise
Money without
the General As-
sembly.

VI. That it shall not be lawful for the Governor of the said Province, his heirs or successors for the time being, and Council, or any of them, to levy or raise any sum or sums of money, or any other tax whatsoever, without the act, consent and concurrence of the General Free Assembly.

Officers of
State or trust to
be chosen by the
Assembly.

VII. That all officers of State, or trust, relating to the said Province, shall be nominated and elected by the General Free Assembly for the time being, or by their appointment; which officer and officers shall be

accountable to the General Free Assembly, or to such as the said Assembly shall appoint.

VIII. That the Governor or the Province aforesaid, his heirs or successor for the time being, or any of them, shall not send ambassadors, or make treaties, or enter into an alliance upon the publick account of the said Province, without the consent of the said General Free Assembly.

The Governor not to send Ambassadors, or make Treaties without the Assembly.

IX. That no General Free Assembly hereafter to be chosen by the free people of the Province aforesaid, shall give to the Governor of the said Province for the time being, his heirs or successors, any tax, or custom for a longer time than for one whole year.

Not to give any Tax to the Governor longer than for one year.

X. That liberty of conscience in matters of faith and worship towards God, shall be granted to all people within the Province aforesaid ; who shall live peaceably and quietly therein ; and that none of the free people of the said Province, shall be rendered incapable of office in respect of their faith and worship.

Upon the Governors acceptance and performance of the proposals herein before expressed, we the General Free Assembly Proprietors and freeholders of the Province of West New Jersey aforesaid, do accept and receive Samuel Jenings as Deputy Governor.

In testimony whereof I have hereunto put my hand and seal, the day and year above written.

SAMUEL JENINGS, Deputy Governor.

Thomas Ollive, Speaker, to the General Free Assembly per order and in the name of the whole Assembly.

The fundamentals aforesaid being signed and sealed by the Deputy Governor, were ordered and appointed by the said Deputy Governor, and General Free Assembly, to be recorded the day and year first aforesaid, by me Thomas Revell, clerk to the General Assembly.

Province of West New-Jersey in America,

THE act and laws made by the General Free Assembly during their session, held at Burlington for the Province of West New Jersey, from the one and twentieth day of the ninth month called November, until the eight and twentieth day of the same month, Anno, 1681. And confirmed by the Governor of the said Province, published by authority aforesaid, as followeth, (viz.)

The Governor and Commissioners to assess the Rates and Fees of officers.

I. *Be it enacted* by the authority aforesaid, that the Governor and commissioners for the time being, are authorized and hereby impowered, to ascertain the rates and fees of the publick register, surveyor and other officer and officers for the Province aforesaid, as they shall judge meet and reasonable; how much and what every one shall pay for registering any conveyance, deed, lease, specialty, certificate, or other writing; as also how much, and what shall be paid by every Proprietor, and purchaser, for surveying, dividing, or laying out of any land in the said Province; which said register, surveyor, or other officer, or officers, are not to exact or demand any more or greater rate, or rates than as shall be established as aforesaid.

The Governor and Commissioners to see all Courts execute their offices and to punish such Officers as shall violate the Laws.

II. *Be it further enacted* by the authority aforesaid, that the Governor and commissioners for the time being, are to see that all courts established, or to be established by the laws and constitutions of the General Assembly of this Province, do or shall execute their several duties and offices respectively, according to the laws in force; and to displace or punish such as shall violate the said laws, or shall act contrary to their duty and trust, as the nature of the offence shall require; and where they see cause, after condemnation, or sentence passed upon any person or persons by any judge, justice, or court whatsoever. The Governor and commissioners for the time being, are hereby impowered to reprove and suspend the execution of the sentence, until the cause be presented, with a copy of the whole trial, proceed-

ings and proofs to the next General Assembly, after such sentence passed as aforesaid ; which General Assembly, with the Governor, may pardon, or accordingly command execution of the sentence upon the offender or offenders, who are to be kept (in the mean time) in safe custody until the sense of the General Assembly be known therein.

And also the Governor and Commissioners to reprove or suspend execution till the fact be brought before the Assembly.

III. *Be it further enacted* by the authority aforesaid, that the Governor and commissioners for the time being are to take care that the lands, peaceably held, planted and possessed seven years, to commence from the time the same lands are, or shall be first duly surveyed by the surveyor or surveyors, or by his or their lawful deputy or deputies, who shall be appointed by the Governor and General Assembly, and registered in due manner, shall not after the said term lie subject to any review, resurvey or alteration of bounds upon any pretence or pretences, or by any person or persons whatsoever.

That lands legally taken up and held, planted and possessed seven Years. shall not be subject to Alteration.

IV. *Be it further enacted* by the authority aforesaid, that no person or persons, whose cattle shall stray, range or graze, upon any land within the said Province, and not actually appropriated, or set out to particular person or persons, shall be lyable to pay any trespass for the same : provided that custom of commons be not thereby pretended to ; nor any person or persons hindered from legally taking up and appropriating any land so grazed upon.

That Cattle that stray or graze upon land, not take up, shall not be lyable to trespass.

V. *Be it further enacted* by the authority aforesaid, that the commissioners, registers, surveyors, and all and every other publick officer and officers of trust whatsoever, within this Province, already deputed and chosen, or hereafter from time to time to be deputed and chosen, shall subscribe in a book or books appointed for that purpose, that they will truly and faithfully discharge their respective trusts, according to the law of the said Province, in their respective offices and duties, and do equal justice and right, to all men, according to their best skill and judgment, without

Officers of trust to subscribe to do equal right and justice.

corruption, favour or affection. And whosoever shall subscribe and shall violate, brake, or any wise falsify his or their promise and engagement, after such subscription, shall be lyable to be punished or fined, and also to be made incapable of any publick office within the said Province.

That Freeholders shall not be condemned or Hurt without a Tryal of 12 Men, and that in Criminal Cases, the Party arraigned may except against 35 and more upon valid reason.

VII. *Be it further enacted* by the authority aforesaid, that no Proprietor, freeholder or inhabitant of the Province aforesaid, shall be deprived or condemned of life, limbs, liberty, estate, property, or any ways hurt, in his or their privileges, freedoms, or francizues upon any account whatsoever, without a due tryal and judgment, passed by twelve good and lawful men of the neighbourhood first had, or according to the laws of England. And that in all causes to be tryed, and in all tryals criminal, the person or persons arraigned, may except against any of the said neighbourhood without any reason rendered, not exceeding thirty five ; and in case of any valid reason alledged, against every person nominated for that service.

That there be in every Court 3 Justices or Commissioners at least to assist the Jury in case of Law, which Justices are to pronounce the Judgment of the Jury, &c.

VII. *Be it further enacted* by the authority aforesaid, that there shall be in every court, three justices or commissioners at the least, who shall sit with the twelve men of the neighbourhood, and with them to hear all causes, and to assist the said twelve men of the neighbourhood in case of law ; and that the said justices or commissioners shall pronounce such judgment as they shall receive from and be directed by the said twelve men in whom only the judgment resides, and not otherwise : and in case of their neglect or refusal, that then one of the twelve by consent of the rest, shall pronounce their own judgment as the justices or commissioners, should have done. And if any judgment shall be passed in any cause, civil or criminal, by any other person or persons, or any other way then according to this agreement, and appointment, the same shall be held null and void ; and such person or persons so presuming to give judgment, shall be severally fined ; and upon complaint made to the General Assembly, by them be declared incapable of any office or trust within this Province.

VIII. *Be it further enacted* by the authority aforesaid, that if any evidence or evidences, shall be given on the behalf of any person or persons indicted in a criminal cause, or on the behalf of any other person or persons in any other cause civil, and shall be found to borne false witness therein for fear, gain, malice, or favour, and thereby hinder, or endeavour to hinder or prevent the due execution of the law, or deprive the suffering person or persons of their due satisfaction; that then and in all such cases of false evidence, such person or persons, shall be first severally fined; and next that he or they shall forever after be disabled from being admitted an evidence or into any public office, employment or service within this Province.

That all Persons who shall be found to be false Witness, shall be fined and be disabled from being after admitted an evidence or into any publick Office in the Province.

IX. *Be it further enacted* by the authority aforesaid, that all and every person and persons, whatsoever within this Province, who shall prosecute or prefer any indictment for information against any other person or persons, or any personal injuries or matters criminal, or for any other criminal cause or causes relating to him or themselves, treason, murder, and felony, only excepted, shall and may be master of his or their own process, and have full power to forgive and remit the penalty or punishment, inflicted or to be inflicted, upon the person or persons who have offended against him or themselves, as well before as after judgment and condemnation.

That all Persons prosecuting any one for private wrong (Murder Treason and Theft excepted) may remit the Penalty or punishment either before or after condemnation.

X. *Be it also hereby enacted* by the authority, aforesaid that the tryal of all causes civil and criminal, shall be heard and decided by the verdict of twelve honest men of the neighbourhood, to be summoned and presented by the sherrieff of that division or propriety where the fact, trespass or other cause of action is committed or done, and that no person or persons shall be compelled to see any attorney, or counsellor, to plead his or their cause, but that all persons have free liberty to plead their own cause, if they please.

That all Causes be tryed by the verdict of 12 Men to be summoned by the Sheriffs, & that none be compelled to see Attorney to plead his Cause.

And for the securing the estates of persons that die, and taking care of orphans.

For probate of Wills. XI. *Be it hereby enacted* by the authority, aforesaid, that when any person or persons die, and have made a will and were in a capacity of so doing, the Governor, and commissioners, for the time being, are to take care that the will of the deceased be duly performed, and security given by him or them that prove the will ; and that all wills and testaments, be registered in a publick register appointed for that purpose ; and that the person or persons, who shall prove the same, shall bring in one true inventory, under the hands of two or more appraisers, of all the estate of the deceased, and shall have a warrant or licence, under the hand of three justices for the time being, under the publick seal of the Province, intimating and declaring, that he or they have brought in an inventory of the estate, and given security for the true performance of the will, then and not before, he or they may enter upon and dispose of the estate.

For persons dying intestate. XII. *Be it also hereby further enacted* by the authority aforesaid, that when any person or persons dye intestate, leaving a wife, and child, or children, the Governor (and commissioners for the time being or any two of them) are to take security from the person or persons who shall administer upon the estate, to secure two parts thereof for the child or children, and the third part thereof for the wife : and if there be no children, then the one moiety or half of the estate to the next of the kindred, and the other half to the wife ; always provided such estate, or estates, shall exceed one hundred pounds, otherwise the whole to go to the wife.

And further that if both the parents of the child or children die intestate, that then the Governor and commissioners for the time being, or any two of them, are to appoint two or more persons to take the charge of such child or children, and the estate and to bring in an inventory thereof to be registered ; which persons to be appointed to take the charge aforesaid, are to make good to the child or children, what part of the estate shall come into their hands ; and shall give

a true account of their receipts and disbursements of the same estate to be approved of by the Governor and commissioners.

And also that when parents dye leaving child or children, and no estate, or not sufficient to maintain and bring up the said child or children, in such case the Governor and commissioners for the time being, are to appoint persons to take care for such child or children, to bring them up in such manner as the Governor and commissioners shall appoint, and the charges thereof to be borne by the publick stock of the Province; and if no stock be then established, then by a tax, to be levied by twelve men of the neighbourhood, with the consent of the Governor and commissioners for the time being, or the greater part of them.

And in case any persons kill or destroy themselves, or be killed by any accident.

XIII. *Be it hereby enacted* by the authority aforesaid, that if any person shall wilfully put hand to and kill himself, or herself, the estate of such person shall not be forfeit, or confiscate, but the kindred or such other as of right the estate would have appertained to if the person had dyed by an accident, shall and may enjoy the same; or if any beast, ship, boat, or other thing shall occasion the death of any person or persons, yet nevertheless such beast, ship, boat, or other thing, shall not become forfeit; but the owner thereof may enjoy the same. *Provided always*, that the said beast did not willfully kill the person, or have been known to attempt, or addicted to mischief, or hath been found to hurt or kill any person, then the said beast is to be killed.

If any Person
kill himself or
be killed by oth-
er accident.

XIV. *Be it hereby further enacted* by the authority aforesaid, that it shall be lawful for any person or persons during the session of any General Free Assembly in this Province, to address, remonstrate, or declare any suffering, danger, or grievance, or to propose, tender or request any priviledge, proffit or advantage, they not exceeding the number of one hundred persons.

That any per-
son during the
Session of the
Assembly may
make redress or
remonstrance.

That the Commissioners of the Treasury bring in their Accounts.

XV. *Be it hereby further enacted* by the authority aforesaid, that the commissioners of the treasury for the time being of this Province, shall bring in their accounts, at the end of their year, unto the General Free Assembly, there to be seen and adjusted; and that every respective member may carry a copy thereof unto that hundred or propriety he serves, for to be registered in the capital publick court of that propriety.

For the raising of two Hundred Pounds.

XVI. *Be it also hereby further enacted* by the authority aforesaid, that two hundred pounds current pay of this Province, in coin, or skins, or money, be levied in the said Province, at or before the eighth and twentieth day of the second month, in the year one thousand six hundred and eighty two, for defraying publick debts, and other publick charges of this Province; and Thomas Budd, and Thomas Gardner, are hereby appointed and authorized to be receivers general, and they have hereby power to constitute and appoint all inferior or sub-collectors, or otherwise, for the best and easiest way of raising the sum aforesaid, throughout the said Province of West New Jersey.

That persons affronting Authority's shall be punished and fined.

XVII. *Be it also further hereby enacted* by authority aforesaid, that if any person or persons shall presume to offer affront to the publick authority of this Province, or any officiating in that capacity; he or they so offending shall be punished and fined according to the discretion of the court.

That Vessels bound for this Province, shall enter and clear at Burlington.

XVIII. *Be it further enacted* by the authority aforesaid, that all vessels bound for this Province, shall from and after the first day of the second month next ensuing the twenty sixth of the ninth month *Anno* 1681, be obliged to enter and clear at the port of Burlington in this Province.

Burlington to be the Head of the Province.

XIX. *Be it further hereby enacted* by authority aforesaid, that the town of Burlington aforesaid, is and shall be the chief town and head of this Province; in which said town from

time to time shall be held the Provincial courts, and the General Free Assembly.

XX. *Be it also hereby enacted* by authority aforesaid, that all weights and measures within this Province, shall be regulated according to the standard of England, and Thomas Budd, John Woolston, John Burton, John Pancrass, Robert Stacy, John Lambert, and William Riddle, are hereby impowered and authorized to command all persons within the said Province, to bring in their weights and measures, for the regulating thereof within fourteen days after the date hereof; and whosoever after the said fourteen days shall presume to buy or sell by any weights or measures not regulated as aforesaid, shall be fined for so doing.

For regulation
of Weights and
Measures.

XXI. *Be it further hereby enacted* by the authority aforesaid, that a general act of indemnity is given to all persons within this Province, for all crimes and misdemeanors against any person or persons, relating to the former government.

An Act of in-
demnity.

XXII. *Be it hereby further enacted* by authority aforesaid, that no person or persons from henceforth, shall presume to hunt and kill hogs or swine within this Province, without the consent of two of the neighbourhood; and that no swine, or hogs, shall be accounted wild, until they shall remain unmarked one whole year.

Not to Hunt
Swine without
Consent.

XXIII. *Be it further hereby enacted* by authority aforesaid, that no person or persons, from henceforth shall presume to fall and carry away timber from any land surveyed within this Province, without leave first had from the owner or owners thereof, upon pain of triple damage.

Not to fall and
carry Timber
from Lands sur-
veyed without
Leave.

XXIV. *Be it further hereby enacted* by authority aforesaid, that from henceforth there shall be two fairs appointed and held at Burlington aforesaid, in the market street, there for all sorts of cattle

For two Fairs
to be held at
Burlington,
Yearly.

and all manner of merchandize ; the first fair to be held on or upon the first day of the third month, and the second fair to be held on or upon the first day of the ninth month ; and so to continue yearly and for every year.

Fellons to
make restitution
four Fold.

XXV. *Be it further hereby enacted* by authority aforesaid, that if any person or persons, shall steal, rob, or take away any goods or chattels, from or belonging to any person or persons whatsoever, and proofs thereof made, such felon or fellows, shall make restitution, four fold out of his or their estate ; and for want of such estate, to be made work for his theft, for so long time as the nature of the offence shall require, or until restitution be thereby made four fold, or as twelve men of the neighbourhood shall determine, not extending to life or limbs. And if any person or persons shall wilfully beat, hurt, wound, assault, or otherwise abuse the person or persons of any man, woman or child, they shall be punished according to the nature of the offence, which is to be determined by twelve men of the neighbourhood.

Money ad-
vanced.

This Act
afterwards
made void.

XXVI. *Be it further hereby enacted* by authority aforesaid, that old England money shall advance in country pay, (viz.) an old England shilling, at eighteen pence, this Province pay, and so all coins of current money of old England proportionably ; and a New England shilling to advance to fourteen-pence, of this Province pay ; and so proportionably of all other current coins of New England money, which advance shall be hence forward accounted lawful pay of this Province.

Persons com-
mitted for Crim-
inal Causes to
work for their
Bread.

XXVII. *Be it further hereby enacted* by authority aforesaid, that all persons to be committed to prison for criminal causes, shall be compelled to work for their bread, during the time of their commitment, in such work as they shall be able to perform.

XXVIII. *Be it also further*

enacted by authority aforesaid, that whosoever shall presume within this Province, directly or indirectly, to sell any strong liquors to any Indian or Indians, shall for every such offence forfeit and pay the sum of three pounds.

against selling strong liquors to the Indians.

XXIX. *Be it further hereby enacted* by authority aforesaid, that all persons, that serve and shall serve as Representatives within this Province, shall during their attendance upon the affairs of the said Province, receive two shillings for each and every day wherein they shall so serve, to be paid from the respective tribes by whom they are or shall be chosen.

Representatives to have 2 shillings per Day.

XXX. *Be it hereby further enacted* by authority aforesaid, that the commissioners nominated and appointed for the surveying and regulating the bounds of the ten divisions, and other regulation of lands, shall be allowed five shillings for each and every day, for each and every commissioner whilst they shall attend on that affair, to be paid by each division respectively where the land shall be surveyed, and for whom the land shall be laid forth.

Commissioners for regulation and laying forth Lands to have 5 shillings per Day.

XXXI. *Be it also further enacted* by authority aforesaid, that there shall be a highway surveyed and set forth, between Burlington and Salem, the same to be begun at or before the first day of the second month next; and that twenty men in the whole shall be appointed for the said work, ten thereof from Burlington, and ten from Salem.

For a Highway from Burlington to Salem.

XXXII. *Be it also hereby enacted* by authority aforesaid, that the Governor shall have twenty pounds presented to him, out of the two hundred pounds to be raised in this Province.

20£. to the Governor.

XXXIII. *Be it hereby further enacted* by authority aforesaid, that the Speaker.

5£. to the Speaker.

ker to this General Free Assembly, shall have five pounds as a gratuity for his service to the said Assembly, to be paid out of the said two hundred pounds, to be raised as aforesaid.

How the 200£.
shall be dis-
posed.

XXXIV. The General Assembly having taken into consideration the present necessity for the raising money for the discharging of several publick debts already made, and for divers other emergent causes and occasions relating to the publick. It is therefore hereby enacted and agreed by authority aforesaid, to assess and levy the aforesaid sum of two hundred pounds to be equally levied and proportioned upon the several tenths of this Province. (that is to say.)

Each Tenth 20£. For each and every tenth twenty pounds, to be raised in manner and form following, (viz.) that every man shall be assessed according to his estate, real or personal ; that all handicrafts, merchants and others shall be assessed according to the discretion of the assessors.

And if any person or persons find himself aggrieved he may within ten days after demand, have liberty to make his appeal to the commissioners of that division.

This made void. XXXV. *Be it further enacted* by authority aforesaid, that all and every person and persons that after demand, shall refuse or neglect to bring in his or their respective sum or sums as shall be taxed or charged upon him, unto Thomas Budd, and Thomas Gardner, or any one of them, at or before the fifteenth day of the third month, shall be fined, at the judgment and discretion of the commissioners, not exceeding forty shillings.

XXXVI. *Be it further enacted* and hereby by authority aforesaid, that this General Assembly have adjourned until the first day of the second month called April, *Anno*, 1682.

The acts and laws aforesaid, were assented unto and ratified the 15th day of the eleven month called

January, *Anno* 1681, by the Governor, and written out by the appointment of authority aforesaid, by Thomas Revel clerk to the General Assembly.

February 1681.

The Methods of the Commissioners for settling and regulation of Lands.

WE whose names are hereunder written, commissioners nominated, elected and chosen by the General Free Assembly, Proprietors and freeholders of the Province of West New Jersey, and twenty-third day of November last past, for the settling and regulating of lands and other concerns within the said Province; do by and with the approbation and consent of the Governor of the said Province, and Council, in pursuance of the said trust in us reposed, hereby fully agree upon these rules and methods herein after following, (this is to say)

I. That the surveyor shall measure the front of the river Delaware, beginning at St. Pink Creek, and from thence down to Cape May, that the point of the compass may be found for the running the partition lines betwixt each tenth.

For running the Partition Line.

II. That each and every tenth, or ten proprietes, shall have their proportion of front to the river Delaware, and so far back into the woods, as will make or contain sixty four thousand acres, for their first settlement; and for the subdividing, the York-shire, and London, two tenths.

Each Tenth to have their Proportion to the River, &c.

III. To allow three thousand, and two hundred acres, where the parties concerned please to chuse it within their own tenth, to be taken up according to the rules or methods following, (*viz*) one eighth part of a propriety, and so for smaller parts to have their full proportion of the said land in one place, (if they please) and greater purchasers, or shares not to exceed five hundred acres to one settlement.

For subdividing the York-shire and London Tenths.

That Landsta-
ken up be seated
in 6 Months.

IV. All lands so taken up and surveyed, shall be seated within six months after it is so taken up; and if the same shall not be seated within the said time, then such choice and survey shall be void, and the same lands shall be free for any other purchaser to take up; provided he or they so taking up the same, do or shall seat it within one month after it is so taking up.

Not to take up
Lands on both
sides a Creek.

V. That no person or persons shall take up lands, on both sides of the creek to one settlement, except the commissioners for the time being, shall see good cause for their so doing.

Forty Perches
Front to 100
Acres.

VI. That no person or persons shall have more than forty perches front to the river and navigable creek, for each and every one hundred acres, except it fall upon a point, so that it cannot otherwise be avoided; and in such cases it shall be left to the discretion of the commissioners then for the time being.

Lands to be
laid out on
streight Lines.

VII. That all lands be laid out on streight lines, that no vacancies be left between lands, but that they be joined one seat to another, except the commissioners then for the time being, shall for good causes, order it otherwise.

Persons to
take up their
just proportion
of Meadow.

VIII. That all persons shall take their just proportions of meadow, which shall be laid forth at the discretion of the commissioners than for the time being.

Persons seated
may make their
Settlement their
choice.

IX. That all persons who are already seated shall have liberty to make his settlement his choice, (if he please) provided he or they observe and follow the rule or method herein prescribed.

400 Acres to a
Propriety for
the Town Lot.

That every Proprietor shall have four hundred acres to a propriety, and so proportionably to lesser quantity's for their town lot, over and above the afore-said three thousand two hundred acres, which may be taken any where within their own tenth, either within or without the town bounds.

XI. That no person or persons who have already taken up a town lot, shall have liberty to leave it, and take a lot elsewhere, but shall keep the same he hath taken up as his town, lot.

Persons who have taken up a Town Lot; not to leave it and take another.

XII. That Thomas Wright shall keep his settlement containing 400 acres, and that the Commissioners for Yorkshire side, shall allow to the town bounds, three hundred acres, to be taken up adjoining to the town bounds on Lazey Point, in lieu thereof.

That Thomas Wright shall have his 400 acres.

XIII. That no purchaser shall take up more land within the town bounds, then belongs to his town lots, by virtue of his purchase.

Purchasers to take up no more Land in the Town Bounds than their purchase.

XIV. That no person or persons, (who are not purchasers to whom town lot or lots are given) shall dispose of, or sell his or their said lot, or lots of land from their house or houses, respectively; and that if any such person or persons as aforesaid, shall dispose of or sell such said lot or lots, apart from his or their said house or houses, then such said sale of lot or lots, shall be void and of no effect, and the same lot or lots, shall from thence become forfeit to the use of the town of Burlington, to be disposed of therein at the discretion of the commissioners then for the time being.

They who have Town Lots given shall not sell them from their House.

XV. That no person or persons from henceforward shall take up any land, without special order from two or more of the commissioners (for the time being) first had and obtained.

None to take up Land without order from the Commissioners.

XVI. That all and every settlement and settlements already made, which are not consonant and agreeable to the rules and methods aforesaid, shall be lyable to regulation, according to the said rules and methods.

Settlements not regularly taken up, lyable to regulation.

XVII. That the Proprietors who are yet remaining in England, shall have notice that we find it necessary for the speedy settlement of this Province, and for the interest of all concerned therein, to allow

to every Propriety as aforesaid, three thousand two hundred acres for our first choice, and in case much people shall come (as may be reasonably expected, who have purchased no land in England, and desire to settle among us) that then we reserve liberty to take up so much land more as shall fall to every propriety, not exceeding five thousand and two hundred acres, which was allowed to us for our first settlement. *Provided* nevertheless that none shall take up any proportion of land, but as they shall settle it or cause it to be settled, which is to be done after the aforesaid three thousand two hundred acres, shall be justly taken up and settled.

For publick
Highways. XVIII. That all publick highways shall be set forth at any time or times hereafter, at the discretion of the commissioners, for the time being, in or through any lands taken up, or to be taken up, allowing the owners of such lands, where such publick highways shall be laid forth, reasonable satisfaction at the discretion of the commissioners in lieu thereof.

The agreement
before not to
make void legal
settlements made
in the Yorkshire
Tenth. XIX. Yet nevertheless it is hereby concluded and agreed by the authority aforesaid, that the rules and methods herein before agreed of, shall not make void or disanul all or any settlement or settlements heretofore made in the Yorkshire tenth, who have seated according to a former agreement, (*viz.*) not having taken up more than fifty perches, for each and every hundred acres on the river or navigable creek, and having kept their due breadth and bounds, from the river or creek.

Signed and sealed the 5th December, 1681, by
SAMUEL JENINGS, Governor.

Thomas Olive,
Daniel Wills,
Thomas Gardner,

Thomas Budd,
Benjamin Scott,
Thomas Lambert,

Robert Stacy,
Mahlon Stacy,

They who have
taken up lands to
bring in their
Deeds to shew
their Title.

XX. That all persons who have already taken up any lands within the first and second tenth, in this Province, shall bring in their deeds or writings, to shew their title to such lands, as they have taken

up to Benjamin Scott, Robert Stacy, Thomas Budd, and Thomas Gardner, on or upon the twelfth day of this instant January next ensuing the day of the date hereof.

XXI. That all person and persons hereafter to take up land within the said first and second tenth, shall first make application to the said Benjamin Scott, Robert Stacy, Thomas Budd, and Thomas Gardner, or any two of them, and shall also before the said commissioners solemnly declare and aver, upon the penalty of the law of perjury to pass against them, that the quantity or portion of land containing in their respective deeds, or other writings, do really and in good conscience belong and appertain to him or them so requiring a warrant or warrants, for laying forth his or their land, so as the said commissioners may be thereby satisfied with the justness of his or their title thereto; then and not before the said commissioners or any two of them, shall and may grant out a warrant to the surveyor, or his deputy, to lay out and survey the respective proportion of land to him or them due and appertaining as aforesaid; enjoining the surveyor, or his deputy, to make return of his said warrant and survey, at the next court after such warrant granted, to be held at Burlington, that the same be registered by order of the said court.

Persons who are to take up Land, before they have a Warrant granted shall satisfy the Commissioners, that the Land in their Deeds belong to them.

XXII. That all Proprietors and purchasers, within the said first and second tenths, shall and may have liberty to take up his and their full proportions of land, as before within is agreed upon, of the first and second choice in one place; provided he or they so doing take not up more than five hundred acres of land in one settlement. Witness our hands and seals, the 14th day of the eleventh month, 1681.

SAMUEL JENINGS, Governor.

Thomas Ollive,	Daniel Wills,	Robert Stacy,
Thomas Gardner,	Thomas Budd,	Benjamin Scott,

Written out by authority aforesaid, by Thomas Revell clerk.

April 1682.

The General Assembly according to their adjournment unto the first of the second month called April 1682, did then meet ; and being not a full house, adjourned unto the 14th day of the same month, and then appeared a full house, and dissolved themselves.

THO. REVELL, Clerk.

The Acts and Laws of the General free Assembly during their Session held at Burlington,

For the Province of West New Jersey, from the second Day of May 1682, until the 6th Day of the same month, and confirm'd by the Governor of the said Province, published by Authority aforesaid.

The names of the Representatives, elected and chosen by the free people of the Province aforesaid, within their respective tenths ; and returned by the sheriff, according to appointment, to sit at Burlington, as the General Free Assembly of the said Province, for the service of the House.

Thomas Ollive, Chosen Speaker to the House.

Mahlon Stacy,
Joshua Wright,
John Lambert,
Thomas Lambert,
William Emley,
Godfrey Hancock,
Daniel Leeds,

Thomas Wright,
Samuel Borden,
Robert Stacy,
Thomas Budd,
Daniel Wills, senr.
Thomas Gardner,
John Cripps,

John White,	Richard Guy,
John Chaffen,	Marke Reeves,
Bernard Devenish,	Richard Hancock,
Isaac Merriott,	John Smith,
William Peachee,	John Pledger,
William Cooper,	Edward Wade,
Mark Newbie,	George Deacon,
Thomas Chackeray,	Samuel Hedge,
Robert Zame,	Andrew Thompson,
Samuel Nevill,	

I. **T**HE General Assembly above, declare That each Ten Proprieties chuse their Ten Representatives. it as their judgments, and as the judgment, of their respective people by whom they are chosen, as their representatives, that the most regular way for the preserving liberty and property, by a lawful free Assembly is, that each ten proprieties, chuse their ten representatives where they are peopled ; and that as the proprieties are or shall be peopled, they to have the liberty of chusing for each ten proprieties so peopled, ten representatives.

II. Resolved that twenty and four of the numbers aforesaid (the speaker being one) make the quorum ²⁴ make a Quorum. and may proceed in the business of the house.

The Council nominated and chosen.

Thomas Ollive,	John Chaffin,
Roland Stacy,	James Nevill,
Mahlon Stacy,	Daniel Wills,
William Biddle,	Mark Newbie,
Thomas Budd,	Elias Farre,

The justices of the said Province nominated and chosen for the jurisdiction of Burlington.

William Biddle,	Thomas Budd,
Robert Stacy,	Benjamin Scott,
Elias Farre,	John Cripps,
Mahlon Stacy,	Thomas Thackeray,
John Chaffin,	

For the jurisdiction of Salem.

James Nevill,	George Deacon,
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444 Laws passed in West Jersey.

Richard Hancock,

Edward Wade,

Commissioners for the dividing and regulating of lands.

Elias Farre,

James Nevill,

William Biddle,

Thomas Ollive,

Thomas Budd,

Robert Stacy,

Thomas Gardner,

Benjamin Scott,

Mark Newbie,

William Cooper,

The Sheriffs for the jurisdiction of Burlington.

John White.

The Sheriff for the jurisdiction of Salem.

Thomas Woodrofe.

The Provincial Clerk and Recorder for the jurisdiction of Burlington.

Thomas Revell.

The Clerk and Recorder for the jurisdiction of Salem.

Samuel Hedge.

Daniel Leeds, Surveyor.

The constables for the first tenth called the Yorkshire tenth.

Robert Schaley,

John Pancras

Constables for the second tenth, called the London tenth,

John Borton,

William Brightwen.

And for the third tenth, Thomas Sharp,

III. For the raising of money for the necessary supplies of the publick concern of this Province, be it enacted by authority aforesaid, that each and every of the ten proprietes have liberty and are hereby impowered to sell or dispose to the number of five hundred acres of land within their respective tenths, or to take such other expedient, as they shall judge fit or necessary, for the defraying the publick charges expended or to be expended, for the said respective tenth, for which expedient Mahlon

Stacy, and Thomas Lambert, are appointed within the first tenth, or the Yorkshire tenth Thomas Budd, and Thomas Gardner, for the second tenth, or London tenth. William Cooper, and Mark Newbie, for the third tenth, and Samuel Jenings, and Thomas Budd, within the remaining six tenths.

IV. And for the better preventing the selling of rum, or other strong liquors to the Indians. *Be it enacted* by authority aforesaid, that from and after the eighteenth day of this instant May, or third month, the three pounds formerly laid as a fine for every inhabitant within this Province, that sell rum or other strong liquors to the Indians, shall be distributed as followeth, (viz) the one moiety or half thereof to the informer, and the other moiety or half to the publick stock, where the fact shall be committed; and that every foreigner that shall so offend after the time aforesaid, within this Province, shall forfeit and pay five pounds, the one moiety or half thereof to the informer, and the other moiety or half to the publick stock, where the fact shall be committed.

The Additional Act for selling of Rum, or other strong liquors to the Indians.

V. *Be it enacted* by the authority aforesaid, that the former act, for the enhancing, or raising coines of money to greater rates, shall from and after the eighteenth day of this instant May, or third month, become null and void.

Advance of Coins made void.

VI. And for the more convenient payment of small sums. *Be it enacted* by authority aforesaid; that Mark Newbie's half-pence, called Patrick's half-pence, shall from and after the said eighteenth instant, pass for half-pence current pay of this Province, provided he the said Mark, give sufficient security to the Speaker of this House, for the use of the General Assembly from time to time being, that he the said Mark, his executors and administrators, shall and will change the said half-pence for pay equivalent, upon demand; and provided also, that no person or persons be hereby obliged to take more than five shillings in one payment.

Mark Newbie's half-pence, to pass current.

VII. For the better conveniency and encourage-

446 Laws passed in West Jersey.

The Additional
Act for the two
Fairs.

ment of all such as shall have occasion to the fairs to be held at Burlington. *Be it hereby enacted* by the authority aforesaid, that the former fair late appointed to be held at Burlington, on the first and second days of the third month called May, shall from henceforth be held on the tenth and eleventh days of the same month, and that all persons at the Fairs, to be held both in the spring and fall, shall be free without arrest for six days, that is to say, the two fair days, and two days before, and two days after the said fair days, for any debt contracted at any other time, then only at the said fair days.

For Vessels en-
tering and clear-
ing at Burling-
ton.

VIII. For the preventing the transporting prohibited goods and other frauds, *Be it hereby enacted* by authority aforesaid, that vessels that come into this river, and are bound for Salem, shall from and after the eighteenth day of the third month called May instant, have liberty to enter and clear there; paying one shilling for entering, and one shilling for clearing, for all vessels under one hundred tun, and two shillings for clearing, for vessels of one hundred tun and upwards.

And John White, is hereby appointed to take entries, and clearing of vessels at Burlington, and James Nevill for Salem.

For preventing
clandestine and
unlawful Mar-
riages.

IX. For the preventing of clandestine and unlawful marriages, *Be it hereby enacted* by authority aforesaid, that justices of the peace have power, and are hereby authorized, within their jurisdiction, to solemnize marriages; both parties so to be married having first published their intent of marriage, fourteen days in some publick place to be appointed for that purpose; and that the parents or the trustees manifest and show no lawful reason against it. And if any justice shall presume to join a couple in matrimony, without the consent and knowledge of the parents or trustees of such persons so married (if such consent may be reasonably obtain) then such justice so offending shall be fined according to the discretion of the General Assembly. After which mar-

riage the clerk or register is hereby appointed and authorized to enter the day and year whereon the same marriage was solemnized into the publick register: And also that the said clerk or register, shall enter and keep a publick register of the births of children, and the decease of all persons within his respective jurisdiction, whereof he shall be rightly informed, without any charge to the parties concerned, unless they please freely to give it.

X. For the prevention of differences betwixt masters and servants, *Be it hereby enacted* by authority aforesaid, that all servants within this Province who are to have reference to the custom of their country for their service at the expiration thereof, either by covenant, or to whom it shall become due, instead of other covenant shall be as follows, (viz.) ten bushels of corn, necessary apparel, two horses and one ax.

For preventing
of differences be-
tween Masters
and Servants.

XI. And further that all servants above the age of one and twenty years, transported or to be transported into this Province without indentures or other agreements, shall serve four years, to commence from the time the ship shall be entered in the said Province: And that all other servants, under the age of one and twenty years, transported or to be transported into this Province without indentures, shall within three months next after his or her arrival, be brought to the court within that jurisdiction where he or she shall reside, which court shall appoint how long time such servant shall serve.

Another for Ser-
vants Time.

XII. And for the preventing of fraud, deceit and collusions, between debtor and creditor, and that creditors may not be hindered from the recovery of their just debts; *Be it hereby enacted* by authority aforesaid, that persons who are or shall be indebted, and have land within this Province, and no personal estate sufficient to pay their debt, in such case, the land of such person or persons, shall be liable to pay debts.

That land shall
pay Debts, where
there is not Per-
sonal Estate suf-
ficient to pay.

448 Laws passed in West Jersey.

For an accom-
modation for a
saw mill.

XIII. And for the better accommodation of this Province for sawn ware, it is hereby concluded and agreed by authority aforesaid, that one thousand acres of land certain in one place, is and shall be allowed by the commissioners to be sold to William Hampton, for a present accommodation for a saw mill ; and the commissioners for that purpose are hereby authorized with the Governor, to lay out more land for that purpose, as they shall judge convenient.

For Commis-
sioners and Gov-
ernors inspecting
Lands taken up
and confirming
the same.

XIV. For the better settling and confirmation of lands legally taken up, *Be it hereby enacted* by authority aforesaid ; that six of the commissioners, with the Governor, shall or may (where there is occasion) make an inspection into lands taken up, or that shall be taken up, and that if they find such lands legally taken up, they may (after publick notice given in the court, and no just reason given to the contrary) than confirm the same at the next court following the said publication unto the person or persons, who have taken up the same.

For killing a
Wolf, 10 shil-
lings.

XV. *Be it also hereby enacted* by authority aforesaid, that from and after the eighteenth day of the third month instant, there shall be ten shillings allowed and paid for every wolf, to him who shall bring the head thereof to an officer to be appointed by the court, which said ten shillings, the court have liberty and power to levy as they shall think fit within their respective jurisdictions.

For four
Courts of Ses-
sions Yearly.

XVI. *Be it hereby further enacted* by authority aforesaid, that there shall be four courts of sessions held at Burlington, and at Salem, yearly, which said courts (at Burlington) shall be yearly held as follows (viz.) the first court in the year to be held on the eighth day of the third month called May. The second court on the eighth day of the sixth month called August. The third court on the third day of the ninth called November, and the fourth and last court in the year on the twentieth day of the twelfth month called February, and for smaller courts oftener, (if need require) both

at Burlington, and at Salem, to be appointed by the justices, as they judge fit.

XVII. *Be it hereby also enacted* by authority For calling it special Court. aforesaid, that if there shall be necessary occasion for calling a special court, either at Burlington, or at Salem, the party that requires it, shall pay for every justice that shall sit at the said court three shillings a peice; and to the sheriffs, the clerk, and other officers, their ordinary fees, or more for extraordinary business.

XVIII. *Be it hereby further enacted* by authority aforesaid, that the twenty pounds formerly granted to the Governor, and the five pounds to the speaker, together also with five pounds to the clerk, shall be raised, (to wit) nine pounds six shillings and eight pence, whereof the Yorkshire tenth have agreed to raise; and nine pounds six shillings and eight pence, the London tenth; and nine pounds six shillings and eight pence, the Salem tenth, and forty shillings the third tenth, which amount to thirty pounds, which is to be delivered to Thomas Budd, and Thomas Gardner for the use abovesaid, on this side, or before the twenty ninth of September next, in skins, corn, or money, and the remainder of the two hundred pounds formerly appointed to be raised to remain as a debt due from the remaining proprietes. 20£. to the Governor, and 5£. to the Speaker, formerly given with 5£. to the Clerk to be raised.

XIX. *Be it hereby further enacted* and The fine of 40s. formerly laid hereby made void. agreed by authority aforesaid, that the fine of forty shillings, formerly laid upon those, who bring not in their sum or sums that shall be taxed upon them, by virtue of the act of the last General Assembly, to Thomas Budd, and Thomas Gardner, at or before the fifteenth day of the third month, now instant, be null and void.

XX. And wheréas by virtue of a power and authority by the chief Proprietors of the Province of West New Jersey; it was heretofore granted in England, unto certain others of the sub-Proprietors of the said Province, who were to transport themselves thi-

ther, to nominate, appoint and make such and so many cities, towns, and other places, as to the said sub-Proprietors should be thought fit, for the benefit and advantage of the said Province : In pursuance whereof the General Free Assembly of the said Province, with the consent and approbation of the Governor thereof, together with the said sub-Proprietors, freeholders and inhabitants of the said Province, have appointed and agreed that the Island of Burlington, within the said Province, shall from thenceforth be the chief city, or town therein. And whereas several merchants, tradesmen and others, have been and are desirous to settle upon the said island, which might conduce to the great advantage, not only of the said island, but also to the said Province, and to those who are or may be concerned therein ; and finding that such persons as aforesaid, could not hitherto be accommodated with convenient lots of land in the said island whereupon to build, by reason whereof the said island, city or town of Burlington, hath been and would be rendered useless and unprofitable, either to the said Province, or others concerned therein : Now therefore for the better encouragement of such who are or shall be minded to settle and build upon the said island, and others who are, or may be concerned therein. *Be it hereby enacted* by authority aforesaid, that all such lot or lots of land within the said Island of Burlington, which shall remain unseated and unbuilt upon, six months next ensuing, shall be liable to sale by the commissioners, or any six of them, unto such person or persons, as will purchase the same, and build thereupon ; and the commissioners, or any six of them, are hereby empowered to appoint in what time and what manner of building such person or persons shall build thereupon, according to the lot or quantity of land such person or persons shall purchase ; and that such lot and lots so to be sold, shall be valued at the discretion of the commissioners, or six of them as aforesaid, and the money for such respective lot or lots, when sold, to be paid to the General Free Assembly for the time being, to and for the use of the owner and owners thereof.

XXI. *Be it further enacted* by authority aforesaid, that the agreements of the com-

missioners, for the settling and regulation of lands may be proceeded in, and stand in force, until it shall be ordered to the contrary by the General Assembly.

The agreements of the Commissioners to stand in force.

XXII. *Resolved and enacted* by authority aforesaid, that the next General Assembly, shall meet on the twelfth of the third month called May, and so yearly.

William Hampton (as security for the sloop's men for selling rum to the Indians) his fine of three pounds by consent of the General Assembly and Governor, remitted to twenty shillings.

XXIII. The Assembly adjourn until the fourth day of the ninth month called November next, unless there be unnecessary occasion to meet sooner.

The House adjourns till 4th 9th Month, 1682.

The acts and laws aforesaid were assented unto the eighth day of May, 1682, by the Governor, and written out by the appointment of the authority aforesaid, by Thomas Revell, clerk to the General Assembly.

THE eighth day of the third month called May, 1682, the commissioners, justices and officers chosen and elected by the General Assembly for the year ensuing, and commissioned by the Governor, did engage as followeth.

We whose names are hereunder written (being by the General Assembly chosen and elected to officiate in our respective commissions and offices for the year ensuing) do hereby solemnly promise, that we will truly and faithfully discharge our respective trusts according to the law of the said Province, in our respective offices and duties and do equal justice and right to all men according to our best skill and judgment, without corruption, favour or affection.

William Biddle,
Ben. Scott,
John Chaffin,
Thomas Ollive,
Edward Wade,

Mark Newbie,
William Cooper,
Ja. Nevil,
George Deacon,
Richard Hancock,

Thomas Thackery,	Thomas Budd,
Thomas Revell,	Thomas Gardner,
Samuel Hodge,	John Grippe,
John White,	Elias Farr,
Thomas Woodroffe,	Mahlon Stacy,
Daniel Leeds,	
Constables.	
William Brightwen,	Robert Scholey,
John Pancost,	John Borton.

The Acts and Laws of the General Free Assembly during their Session held at Burlington,

Convened to appear by the Governor, with the Advice of his Council, the Twenty sixth Day of September 1682, and ending the Twenty eighth Day of the same month, and confirmed by the Governor, and published by authority aforesaid.

The Members of the House then appearing.

THOMAS OLLIVE, Speaker.

William Emley,	John Smith,
Robert Stacy,	John Pledger,
Daniel Wills, senr.	Edward Wade,
Thomas Gardner,	George Deacon,
John Grippe,	Samuel Hedge,
John White,	Andrew Thompson,

John Chaffin,
Bernard Devonish,
William Cooper,
Marke Newbie,
Thomas Thackery,
Robert Zane,
James Nevill,
Richard Guy,

Thomas Budd,
Daniel Leeds,
Thomas Lambert,
Thomas Wright,
Godfrey Hancock,
Joshua Wright,
Samuel Borden,
Isaac Merriot,

These members appeared not.

Mahlon Stacy,
John Lambert,
William Peachee,

Mark Reeves,
Richard Hancock,

I. **W**HEREAS there are considerable numbers of people already come, and yet daily expected to inhabit amongst us, who (at present) are not in a capacity to supply their families with necessary provisions, and for the better supplying of such with necessary provisions, *It is hereby enacted* by the General Free Assembly, with the consent, concurrence, and approbation of the Governor of the said Province, and Council, and the authority thereof, that markets shall be erected in necessary places, within this Province, for the accommodation of the inhabitants thereof.

For the erecting
Markets within
this Province.

II. *And it's hereby enacted* by the authority aforesaid, that a market shall be held at Burlington, and at Salem, for the present accommodation of the inhabitants of this Province; the first market day at Burlington, to begin and take place the 7th day of the eighth month now next ensuing, and at Salem, the seventeenth day of the same month.

The beginning of
the first Markets
at Burlington and
at Salem.

III. *And it is hereby further enacted* by authority aforesaid; that the seventh day, commonly called Saturday, weekly and every week, shall be the market day at Burlington, to be held there in the place formerly set forth for the market place; and that the market for corn, shall begin at the 11th hour in the morning, and that what goods and provisions shall be there brought to be sold, shall be carried to the said market place before sale to be

The 7th Day or
Saturday to be
the Weekly
Market.

made thereof, and that if any person or persons upon the market day, or other week days, shall presume to buy up any goods or provisions that shall be brought there to be sold as aforesaid ; such buyer or buyers, shall forfeit such goods or commodities, he or they shall so buy out of the market place, one third part thereof to go to the informer, and the rest to the publick use.

The third Day called Tuesday, to be the Weekly Market at Salem. IV. *And be it hereby further enacted* by authority aforesaid, that the third day called Tuesday, weekly and every week, shall be the market at Salem, to be held before the town landing, formerly appointed there for the market place ; and that the market for corn, shall begin at the 11th hour in the morning ; and that what goods and provisions shall be there brought to be sold, shall be carried to the said market place before sale be made thereof ; and that if any person or persons upon the market day, or other week days, shall presume to buy up any goods or provisions that shall be brought there to be sold, as aforesaid, such buyer or buyers shall forfeit such goods or commodities, he or they shall so buy out of the market place, one third part thereof to go to the informer, and the rest to the publick use.

30l. given to the Governor. V. And it is hereby ordered and appointed by authority aforesaid, that the Governor shall have twenty pounds paid to him, towards the answering his necessary expences in his office, which is hereby ordered to be paid to him, within three months, by those commissioners who are appointed for the sale of land, out of the money's to be raised thereby.

Burlington impowered to chuse Persons for regulation of several matters within the Town. VI. And for the better regulation and ordering of fairs, within the town of Burlington ; *Be it hereby enacted* by authority aforesaid, that the town of Burlington, have liberty, and are hereby impowered, to chuse amongst themselves, some persons who have power to regulate the affairs of the town, in such matters as relate to fences, cattle, highways, and all such things, as usually fall within the compass of ourselves, in corporations in England.

VII. And for the regulating of fences what is a lawful fence, *Be it hereby enacted* by authority aforesaid, that a lawful fence shall consist of, and be a substantial fence, containing five feet in heighth, within this Province.

This Act made void.

VIII. And for the encouraging learning, for the better education of youth; *Be it hereby enacted* and agreed by authority aforesaid, that the island called Matinucuk Island, late in the possession of Robert Stacy, with all and every the appurtenances, is hereby given, and shall from henceforth forever hereafter, be and remain to and for the use of the town of Burlington, and to others concerned therein, within the first and second tenths, the rents, issues and profits thereof and therefrom yearly arising to be (by the overseers appointed or to be appointed in Burlington) employed for the maintaining of a school for the education of youth within the said town, and in the first and second tenths.

Matinucuk Island, given to Burlington, for the maintaining of a School.

IX. And for the preventing of needless and frivolous suits, *Be it hereby enacted* by authority aforesaid, that all accounts of debt, accounts of slander, and accounts of the case concerning debts, and accounts, and all accounts whatsoever not exceeding twenty shillings, between neighbours, arbitration of two indifferent persons of the neighbourhood, shall be tendered by some one justice of the peace, who shall have power to summon the parties before him, before it be brought to a court; and if either, or both parties shall refuse (upon any pretence) to stand to arbitration, then the justice may give forth his warrant as the occasion shall require, for the determination of the case, at the next court then following; and that the sheriffs shall have twelve-pence for every summons within the town of Burlington, and Salem, and for every mile they shall go out of the said town to summons, they shall have three-pence per mile added.

For preventing of needless and frivolous suits.

X. *Be it also hereby enacted* and appointed by authority aforesaid, that on the 14th day of the second month next, and so yearly,

When the Freeholders are to chuse their representatives.

456 Laws passed in West Jersey.

the freeholders within this Province, shall meet together at such place or places as shall be most convenient for each tenth, to nominate, elect and chuse their respective members, or representatives, who are to appear at Burlington, on the second day of the third month following, to officiate in their respective trusts in the concerns of the said Province.

The Assembly adjourned until the first day of the third month next.

The acts and laws aforesaid, were assented unto and confirmed the 28th day of September 1682, by the Governor, and written out by the appointment of the authority aforesaid, by Thomas Revell, clerk to the General Assembly.

The Acts and Laws of the General Assembly at their Session at Burlington,

For the Province aforesaid, from the second Day of the third Month, to the 15th of the same Month Anno Domini, 1683, confirmed by the Governor thereof.

The members of the Assembly.

Of the first tenth.

William Emley,	Elias Farre,
Mahlon Stacy,	Joshua Wright,
Thomas Lambert,	Thomas Wright,
Pierciful Fowle,	John Woolston,
William Biddle,	John Hooton,

Of the second tenth.

Thomas Ollive,	William Peachee,
Thomas Budd,	John Skeeare,
John Gosling,	John Chaffin,
Daniel Wills,	John Barton,
Thomas Gardner,	Isaac Merriott,

Of the third tenth.

William Cooper,	Samuel Cole,
Mark Newbie,	Thomas Howell,
Henry Stacy,	Williams Bates,
Francis Collins,	

Of Salem tenth.

John Fenwicke,	Edward Wade,
Richard Guy,	Edward Bradway,
James Nevill,	Michael Berroone,
John Thompson,	George Deacon,
John Maddocks,	Andrew Thompson,

Thomas Ollive, Chosen Speaker to the General Assembly.

Resolved that twenty and four of the members of the General Assembly, (the Speaker being one) make a court, and may proceed in the business of the House.

24 make a Quorum.

The Council chosen, who are also justices *ex officio*.

Jonn Skeen,	Thomas Gardner,
Henry Stacy,	Thomas Budd,
James Nevill,	Elias Farre,
William Biddle,	Mark Newbie,
Mahlon Stacy,	John Gosling,

Justices chosen.

Thomas Oliver,	Andrew Thompson,
Richard Guy,	William Emley,
Edward Wade,	

Commissioners for dividing and regulating lands.

The first tenth.

Thomas Lambert,	William Emley,
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458 Laws passed in West Jersey.

The second tenth.

Thomas Budd, Thomas Gardner,

The third tenth.

Francis Collins, Mark Newbie,

The other tenth,

William Biddle, John Skeen,
John Gosling,

Salem tenth.

James Nevill,

A commissioners for buying lands of the In-
dians, A and selling for paying publick debts.

Mahlon Stacy, Thomas Budd,
William Emley, Thomas Olive,

Treasurers for the Province.

Thomas Budd, Thomas Gardner,

The Province Clerk and Recorder.

Thomas Revell,

The High Sheriff for the jurisdiction of Burlington Court.

Benjamin Wheat,

The Surveyor, Daniel Leeds,

The Recorder for Salem jurisdiction.

Samuel Hedge,

The High Sheriff for the jurisdiction of Salem Court.

Thomas Woodroff,

Constables for the first tenth.

James Pharoe, Thomas Bartin,

For the second tenth.

James Wills, Barnard Devanish,
Seth Smith,

For the third tenth.

William Bates.

I. **R**ESOLVED that the proposal of Daniel Leeds, be referred to the hearing and determination of the commissioners, for regulating of land.

II. William Brightwen, constable, for his neglect in the performance of his trust and engagement in the said office, by the Assembly fined fifty shillings, and for that clause in the law, see page 427, suspended. W. Brightwen
fined 50s.

III. For the better regulation and reparations of highways, *Be it hereby enacted* by the authority aforesaid, that all highways laid forth and to be laid forth within this Province, by virtue of the appointment of the commissioners, according to a power to them given by the General Assembly, shall be maintained by the respective tenth's, wherein the same lye, and that the courts shall and may appoint such and so many overseers within their respective liberties, to repair and amend, and maintain the said highways, as they shall judge needful. For Reparation of Highways.

IV. And for a more due regulation of fences ; *Be it hereby further enacted* by authority aforesaid, that a fence substantially made, consisting of four foot and half a foot in height, shall be and is a lawful fence within this Province. For a regulation of Fences.

V. And for the regulating the size and making of bricks, *Be it hereby further enacted* by authority aforesaid, that from and after the 22d day of the third month called May instant, the size of bricks to be moulded within this Province, shall be made according to the size following, (that is to say) the same to be moulded in a mould shod with iron, the same moulds to contain no less than two inches and three quarters of an inch in thickness ; four inches, and half an inch in breadth, and nine inches and half an inch in length, and that the same shall be well and merchantably burned, which shall be viewed and approved of by two persons to be authorized for that purpose by the court ; and where they shall find bricks faulty, they shall break the same, and return the names of the parties (who shall make such default) to the court to be there fined. For regulating the size of Bricks.

That Leather
be well tanned.

VI. And for preventing the abuses in the tannage of leather, *Be it also hereby enacted* by the authority aforesaid, that all and every person or persons, who shall sell leather not well tanned within this Province, shall forfeit the same; to be disposed of for the use of this Province, to be delivered into the hands of those persons who are and shall be appointed to receive the publick concerns of the Province. And that officers for the searching after leather, and sealing such as they find to be well tanned, and also for regulating weights and measures, shall be appointed by the court, the sealer of the leather to receive eighteen pence by the dicker of these hydes he shall seal, and for neglect or breach of his [trust to be fined ten shillings. Provided such sealer of leather shall not be obliged to seal under half a dicker at a time, unless the tanner pay him nine pence for what is under half a dicker.

For prevent-
ing of Swearing,
Drunkenness,
Whoredom and
profaneness.

VII. *And be it further enacted* by authority aforesaid, that all and every magistrate and magistrates, and other officer and officers within this Province, from henceforward take special care for the suppressing of drunkenness, swearing and whoredom, and other prophaness; and that such person and persons who from and after the two and twentieth day of the third month called May instant, shall be guilty of swearing either in the presence or hearing of a magistrate, or other officer of this Province, or shall be convict thereof before a Magistrate, by the testimony of one witness or more, shall pay for every such offence, two shillings, or be set in the stocks, not exceeding three hour. And that every person and persons, who after the said two and twentieth day of the said third month called May instant, shall be found drunken in the sight or knowledge of a magistrate within this Province, or shall be convict thereof before such magistrate, by the testimony of one witness or more, shall pay for every such offence, three shillings and four pence, or sit in the stocks, not exceeding five hours. And also that such who shall be found guilty of whoredom, by the testimony of one witness or more, shall be punished according to the nature of the offence by the court.

VIII. And for the preventing of differences about the settling of lands ; *Be it enacted* by authority aforesaid, that if any person or persons shall take up land, within the nine tenths of this Province, and inhabit thereon by himself, or any other in his right, such may and shall be taken and accounted for a lawful settlement, for the first taking up.

What shall be accounted a lawful Settlement for the first taking up.

And that if any person or persons shall take up a second settlement within the liberties aforesaid, and shall improve the same, and keep and maintain two able persons to inhabit and labour thereon, such shall be taken and held for a lawful settlement.

And what for a second taking up is a lawful settlement.

And that in case land shall not be settled in the time limited by the law in that case provided, be fore a second person shall take up the same, which hath formerly been surveyed, then such person shall first acquaint two commissioners of the tenth where such land lyeth, who shall issue a summons to the person or his attorney or agent who formerly had taken it up, if in the Province, to give sufficient security, that he or they will settle the same land, according to the time limited, or within two months after, of which he or they failing, then notice thereof shall be posted in writing fourteen days on the market house, and at the expiration thereof the same former choice of land shall be forfeited.

For preventing difference about land.

And that if any land within the liberties aforesaid, shall be forfeited in manner aforesaid, such person as shall after such forfeiture take up the same, shall take the whole entire parcel of land, paying the improvements made thereon, if any be ; and if parties concerned cannot agree in the value of such improvements, the same shall and may be appraised or valued by two freeholders to be appointed by two commissioners of the same tenth wherein the same land lyeth.

That Persons who take up a choice forfeited, shall take up the whole Parcel, &c

IX. *And be it hereby further enacted* by the authority aforesaid, that the lands and marsh, or meadow, formerly laid out for

Salem Town bounds to remain as formerly laid out.

462 Laws passed in West Jersey.

Salem town bounds, by agreement of John Fencoick, and the people of Salem liberty, shall stand and be forever, to and for the only use, behoof and benefit of the freeholders and inhabitants of the said town of Salem.

The Governor,
not to command
any of the As-
sembly to any
Place, &c.

X. *And further be it hereby enacted* by the authority aforesaid, that the Governor for the time being, or his successors, shall not have a power to command or require the Assembly, or any of the members thereof, (when sitting) to any place, without the consent of the House.

Burlington
Town Bound to
stand, as laid out
by William Em-
ley.

XI. *And be it also hereby enacted* by the authority aforesaid, that the limits or bounds of the town of Burlington, as the same were laid out by William Emley, by the appointment of the commissioners for the time then being, shall stand and remain to and for the use of the freeholders and inhabitants of the said town of Burlington.

XII. AND WHEREAS Thomas Wright, wants one hundred acres of land, for the making up his proportion for his first settlement, which hath been appointed by the commissioners and confirmed by act of Assembly; and hath made his address to this General Assembly for the same. *Be it therefore hereby enacted* by the authority aforesaid, that the said Thomas Wright, shall or may take up one hundred acres of land on less a point side, for the making up the four hundred acres (so confirmed to him as aforesaid) his just share being five hundred acres, for his first settlement. Provided that the commissiners who are authorized and appointed by this Assembly, when they shall inspect the same, shall understand, that the said one hundred acres to be taken up as aforesaid, be not before surveyed or appropriated to any other, and that it will not be injurious in the spoiling any other settlement.

Thomas Revell
to have 48 foot
front to the Riv-
er.

XIII. *And be it hereby further enacted* by authority aforesaid, that Thomas Revell, (in consideration of his service on the

publick accounts) shall have and enjoy to him, his heirs and assigns for ever, one peice or parcel or land (being a water lot, lying and being at Burlington, whereupon his dwelling house standeth, and next adjoining thereunto the whole containing forty and eight foot front to the river Delaware, and backwards so far as the water lots there reach, or extend) which parcel of land two or more of the commissioners shall view, and lay forth; and the said commissioners, or two of them, are hereby impowered to set a reasonable value thereupon, and to make him a legal conveyance thereof, which value price, or consideration for the said land, so to be set out as aforesaid, is hereby appointed to be paid out of the publick stock.

XIV. AND WHEREAS by the general consent of all the freeholders of the first and second tenths, assembled the third day of August in the year 1680, it was then openly declared and freely consented to, that Thomas Ollive, for the consideration of five pounds paid before hand for the publick use, and for divers other good services done, should have and forever possess one hundred acres of land, lying before the island of Burlington, and within the town bounds between the lands of him the said Thomas Ollive, east, and the land late of John Cripps west; *Be it therefore hereby enacted* by the authority aforesaid, that the aforesaid consent and agreement of the freeholders aforesaid, shall stand, and that the said land shall be by the commissioners convey'd and confirmed to the said Thomas Ollive, his heirs and assigns forever.

One Hundred
Acres of Land
confirmed to
Thomas Ollive.

XV. AND WHEREAS the General Assembly have taken notice of the negligence of the generality of those who are concerned in the lots of land within the island of Burlington, in their building upon the same, according to the first design and end of laying forth the same, and being very sensible of the great hindrance the same hath been, and yet would be likely to be, in the promoting and encreasing the town of Burlington, to the great detriment of the country, and those intrested therein if not speedily remedied, for the

For building
on the River
Lots.

preventing whereof; *Be it hereby enacted* by the authority aforesaid, that all persons who have river lot or lots of land in Burlington, and have not built, nor are building thereon, shall give sufficient obligation to two commissioners within one month after publication hereof, that they will begin to build a house on each lot, within eight months next after, and carry on the same building without fraud; which if not perform'd, then such said lot and lots of land so neglected, shall be free for any other person or persons to chuse and build on, who were to have the same quantity of land any where in the river or front lots, by former survey, or have or shall purchase the same of any who were to have the same quantity in the river lots aforesaid. *Provided* that he or they who shall so chuse shall build on two thirds of their front, a house or houses of two stories high, and their lots may go backward to the next street.

For building
on the other
Parts of the
town. XVI. And further that all persons who have any lot or lots of land in the high street of Burlington, aforesaid, shall within one month next after publication hereof, give obligation to two commissioners, that he or they will begin to build a house on each lot of two stories high within eight months; after which (if not perform'd) then such lot or lots so neglected shall be free for any who have a lot or lots by former survey, in the said street, who may chuse and build on the same; provided he or they build houses of two stories high, and that all lots in the high street, shall go but half way to the next street; and that all persons who have had lot or lots formerly in the remainder of the town laid out into streets and lanes, shall give in sufficient obligation to the commissioners within one month, to begin to build within eight months after, and to carry on the same without fraud, which (if not perform'd) then all such lot or lots shall be free for any that shall have a right in the town to chuse and build thereon. Allways provided, that all persons that shall have power by the act aforesaid, to chuse any lot or lots of land in the said town of Burlington, shall give in sufficient security to two commissioners, that they will within two months begin to build, and carry on the same

without fraud or delay, and that any who shall chuse as aforesaid, shall pay for the improvements on the land he shall so chuse to the improver, it being to be valued by two freeholders of the neighbourhood.

XVII. And for the making a further purchase from the Indians for the better answering the necessities of, and providing for those who may yet be expected into this Province, and also for the better answering the immergences of this Province, *Be it therefore hereby enacted* by authority aforesaid, that a convenieent tract of land shall (with what speed may) be purchased of the Indians in such place or places as the commissioners, or the major part of them, shall judge most convenient, that the same may be clear, and such part and parts thereof may be sold (not exceeding five thousand acres) for the paying the debts, and publick charges, and expences of the Province.

For purchasing
Land of the In-
dians.

XVIII. *Be it further hereby enacted* by authority aforesaid, that no high sheriff within this Province, shall at any time or times hereafter, be chosen or elected to be of the General Assembly within the time of his sheriffwick.

The High Sher-
iff not to be of
the Assembly.

XIX. *Be it further hereby enacted* by the authority aforesaid, that all writs, attachments, warrants, executions and precepts relating to the courts (excepting only such warrants as there is a power formerly given to the justices to make out) shall proceed and be derived from the Governnor of the said Province for the time being; and that every account that shall be brought to be prosecuted against any person or persons, shall be first entered in the records of the said court, saving only in cases of immergency, where there shall be necessary occasion for the expediting of an arrest, and in every such case the sheriff shall enter such action with what expedition may be.

For the taking
out Writs, &c.
and entering Ac-
tions, &c.

XX. *And it is concluded and hereby enacted* by authority aforesaid, that Mahlon Stacy, William Emley, Thomas Budd, and Thomas Olive, shall be and are hereby fully autho-

The Persons
Commissioners,
for purchasing
Land of the In-
dians, and selling,
&c.

riz'd and impowered to make a new purchase of lands from the Indians, and also have full power and lawful authority, to sell, alien and confirm such parcel or parcels of the same lands for discharge of publick debts, as they or the major part of them shall think fit, not exceeding five thousand acres ; and for such price and prices, as to the best of their judgements they may or can. *Provided always*, and it is hereby granted and reserved, that the said Mahlon Stacy, William Emley, Thomas Budd, and Thomas Ollive, shall each and every of them have five shillings by the day allowed to be paid and discounted out of such money's by them the said Malon Stacy, William Emley, Thomas Budd, and Thomas Ollive, to be received in such bargains, and sales, before such money's be returned out of their own hands.

XXI. And for the better regulation of the affairs of this Province, in reference to the particulars hereafter following, it is resolved and hereby enacted by authority aforesaid, (viz.)

1. That the Governor, and Council (for ease and dispatch of the people) shall and may have the preparing of bills for laws, which shall be by them promulgated twenty days in the most noted place of the Province, before the meeting of the General Assembly.

2. That the Governor, Council and Assembly (freely and duly elected) met together, shall make the General Assembly.

3. And that the General Assembly shall have the affirmation and negative to all bills so prepared and proposed.

4. That the General Assembly shall meet together at the time prefixed in the common hall (for that purpose to be provided) where the aforesaid bills shall be openly read by the clerk of the General Assembly, and the intent thereof opened by the Governor, and to be decided by the yeas, or nays, to be given by the Assembly.

5. And that in case of the exceptions and amendments, the Governor, Council and Assembly shall settle them according to plurality of votes, in which the Governor shall have a double voice.

6. And that the bills so prepared, proposed and assented unto, shall be the laws of this Province.

7. And that the first day of session, all officers shall be chosen according to the Concessions.

8. And that the Assembly shall impeach, and the Governor and Council shall judge.

9. That the court of the Council (consisting of ten) shall be five, and the Governor and the Council of the General Assembly two thirds, of which two thirds shall determine.

10. And that during the intervals of the General Assembly, the Governor and Council, shall have the government of the State, according to the laws thereof, all which resolves passed the House, with a *Nemine Contradicente*.

XXII. Upon the verbel request of George Porter, to this General Assembly, that guardians may be chosen to take care of his estate, least he should waste, imbezzle, or make away the same, the Assembly nominate and appoint Mahlon Stacy, William Emley, and Percifall Towle, for that purpose (who upon the said George Porters chusing them) declaring their assent and consent thereunto, whereupon they are by the Assembly admitted guardians, overseers, or feofees for the said George Porter, without whom, or two of them, he is not to sell or dispose of any of his land, or other personal estate.

Guardians for
George Porter.

XXIII. *And be it hereby enacted* by the authority aforesaid, that Thomas Budd, and Francis Collins, shall have each and either of them, one thousand acres of land, (parts of the land to be purchased of the Indians above the falls) in consideration and for the discharge of them for the building a market-house, and court house at Burlington.

Land granted
to Thomas Budd
and Francis Col-
lins, for the
building a Mar-
ket and Court-
House.

Richard Guy,
and William Bid-
dle, complaint
referred, to the
Governor and
Council.

XXIV. *And it is hereby resolved, enacted and ordered by the authority aforesaid, that the several complaints and requests of Richard Guy, and William Biddle, are hereby referred to the hearing and determination of the Governor and Council.*

Concerning
the Clerk of the
Assembly.

XXV. *And it is hereby enacted by authority aforesaid, that the clerk of the Assembly shall have ten shillings by the day, for each and every day during the session of the Assembly; and further that the clerk shall write out copies of the acts and laws of the General Assembly for each particular tenth, for which he shall be paid six-pence the side or page; and also that the clerk shall be paid for the commissions he shall write, which is to be charged on the public account.*

The resolves of the freeholders of this Province in Free Assembly met the 14th day of the third month, 1683, at an open and free conference in reference to the several queries following, (viz.)

1. *Querie.* Whether the purchase at first made, was of land and government together or not?

Resolve. To which querie, It is the resolve of Assembly, (together with the Governor) with a (*Nemine Contradicente*) that the land and government of West New Jersey, were purchased together.

2. *Querie.* Whether there is not a clause or covenant in the original deeds, in the purchase aforesaid, that the seller shall (within seven years after the date thereof) make further sufficient assurance of the aforesaid premises sold to the purchasers or not?

Resolve. To which query, all and every the members of the General Assembly, who have original deeds, or have seen, or heard the same read, (being the major part of the Assembly) do testify and declare it to be their judgment, that the seller is bound to give further assurance of, the premisses within the time aforesaid, by contract and covenant.

3. *Querie.* Whether Edward Byllynge, and his trustees are still obliged in the judgment of the General Assembly, to make good the former contract and covenant of the land and government to the purchasers, or not ?

Resolve. The General Assembly resolve and agree wholly, (with a *nemine contradicente*) that they are still obliged to the making good their contract and covenant in the said premises.

4. *Querie.* Whether the Concessions agreed upon by the Proprietors and people, and subscribed in London, and West Jersey, were agreed upon to be the fundamentals and ground of the government of West New Jersey or not ?

Resolve. The Assembly pass it general as their resolve in the affirmative, (with a *nemine contradicente*) only John Fenwick, excepted his tenth, which he said then at that time was not under the same circumstances, but now freely consenteth thereunto.

5. *Querie.* Whether the General Assembly of this Province, freely chosen, will stand to and by those Concessions (so far as they are not contradicting or repugnant to the fundamental laws of England) and the powers of the patent, reserving to the General Assembly of the said Province, liberty and privilege to make such variations as from time to time, to them shall seem meet for the publick good or not ?

Resolve. The Assembly passed it in general as their resolve in the affirmative, with a *nemine contradicente*.

6. *Querie.* Whether an instrument shall be drawn up, and sent by order of this Assembly, to some trusty friends in London, for Edward Billinge, to sign and seal, whereby to confirm his first bargain and sale he made to the freeholders of this Province, of land and government together, with a letter of instruction to those friends to transact the said affair or not ?

Resolve. The Assembly pass it in general as their resolve in the affirmative (with *nemine contradicente*.)

Whereupon these persons following are nominated and elected to write a letter to friends in London in order to the last resolve, viz.

Thomas Ollive,	Daniel Wills,
William Emley,	Thomas Budd,
John Gosling,	Richard Guy,
James Nevil,	Francis Collins,
Mahlon Stacy,	Thomas Lambert,
William Biddle,	Mark Newbie,
Henry Stacy,	William Peachee,

And the friends nominated and agreed upon, to whom the said letters should be written and sent (viz.)

George Whitehead,	William Crouch,
Alexander Parker,	George Fox,
Stephen Crisp,	William Shein,
Williams Gibson,	Charles Bathurst,

7. *Querie.* Whether the Assembly, upon Edward Byllings confirmation of the land and government, according to his first bargain and deed of sale, are willing to testify and manifest, their gratifications for the same, according as their present capacity and ability will permit. And if the said Edward Byllinge, shall come into West Jersey himself, whether the freeholders of the said Province are willing to testify their free and unanimous acceptance and acknowledgements, of his care and deligence in the premisses ?

Resolve, To which the Assembly gave their free and general assent and resolve (with a *nemine contradicente*) that they are and shall be willing to testify and acknowledge the same.

8. *Querie.* Whether this expedient proposed by Governor Penn, be satisfactory, to wit, that if the people chuse Samuel Jennings, Governor, and if he promise to execute the place with fidelity and diligence according to the laws, Concessions, and constitutions of this Province to the best of his skill, it be security sufficient to the people or not ?

Resolve. To which query the Assembly pass'd their resolve in the affirmative (with a *nemine contradicente*) save only one member was dubious therein.

XXVI. And forasmuch as the end of all government is the good of the governed; and that in the constitutions of this colony of West New Jersey, there are some expressions and passages too strict, and which by experience are found not so practicable nor profitable; we the freeholders therein in Free Assembly met, do hereby grant and declare, that the General Assembly freely chosen by us may from time to time make such alterations of any the said constitutions for the publick good, as to them shall seem meet, so as the same alterations be made by six parts of seven of the said Assembly, (the law of liberty of conscience, the law of property, the law of yearly Assembly, the law of juries, and the law of evidence, excepted) and to the end that no advantage may be taken by any person of such judicial proceeding and allowances, as have not been exactly agreeably to the said Concessions for the reasons aforesaid, we do fully and freely confirm and ratify the same to all intents and purposes.

The Agree-
ment of the
Freeholders of
this Province.

Samuel Jennings, is by the free election and vote of the Assembly chosen Governor of this Province.

XXVII. And in consideration of the great trouble and necessary charges the Governor hath been (and yet is likely to be) put to in the said capacity; the resolve of the Assembly is, and (with a *nemine contradicente*) they hereby give to the said Samuel Jenings, Governor, and to his heirs and assigns forever, six hundred acres of land, to be had and taken up above the falls (after the purchase thereof shall be made from the Indians) where he shall be minded to take up the same; and that three years next after the time that he shall take up the same, is also hereby granted for the settling the same.

600 Acres of
Land given to
the Governor.

The engagement and promise of Samuel Jenings to the General Assembly, &c. upon his election as Governor of this Province, as followeth, (viz.)

I SAMUEL JENNINGS, being elected Governor of the Province of West Jersey, by the General Free Assembly thereof sitting at Burlington, the 11th day of the third month, in the year 1683, do freely and faithfully promise, (according to the best of my ability) to act in that capacity, according to the laws, concessions and constitutions, as they are now established in the said Province.

SAMUEL JENINGS, Governor.

The engagement and promise of the Council elected and chosen by the General Free Assembly, as followeth (viz.)

WE underwritten being elected and chosen by the General Free Assembly, members of Council, to advise and assist the Governor in the managing the affairs of the government, do solemnly promise every one for himself, that we will give our diligent attendance from time to time, and him advise and assist, to the best of our skill and knowledge, according to the laws, concessions, and constitutions of this Province: And do further promise, not to reveal or disclose any secret of Council, or any business therein transacted, to the prejudice of the publick. Witness our hands 15th day of the 3d month, *Anno* 1683.

Thomas Budd,
John Skeen,
John Gosling,
Mark Newbie,
William Biddle,

Thomas Gardner,
Henry Stacy,
James Nevill,
Elias Farre,

Thomas Ollive, instead of Mark Newbie, dead.

Francis Collins, instead of John Skeen, divested of his office.

The engagement and promise of the commissioners justices, and other the officers of this Province, elected by the General Free Assembly, for the year ensuing, (viz.)

WE whose names are hereunder written, being by the General Free Assembly chosen and elected to officiate in our several and respective trusts, commis-

sions, and offices for the year ensuing, do hereby solemnly promise, that we will truly and faithfully discharge our respective trusts according to the laws, concessions and constitutions of the said Province, in our respective offices and duties, and do equal justice and right to all men, according to our best skill and judgment, without corruption, favour or affection. Witness our hands this fifteenth of the third month, 1683.

Justices.

Thomas Ollive,	Edward Wade,
Richard Guy,	Andrew Thomson,

Commissioners.

James Nevill,	William Biddle,
Francis Collins,	John Gosling,
Thomas Budd,	John Skeen,
Thomas Gardner,	Mahlon Stacy,
Mark Newbie,	Thomas Ollive,

Thomas Revell, Recorder.

Benjamin Wheat, Sherif.

Daniel Leeds, Surveyor.

Constables.

Bernard Devonish,	Thomas Barton,
James Wills,	

First Tenth.

Seth Smith, his mark. James Pharoe, his mark.

The times concluded upon for the electing the respective representatives of the Province, as best suiting the present state of each tenth, viz.

The first tenth, to elect on the 10th of the second month.

The second tenth, on the 14th of the same month.

The third tenth, on the 20th of the same month.

Salem tenth, on the 10th of the same month.

And the Assembly to meet to sit down the 12th of the 3d month yearly. The Assembly adjourn unto the third of the 9th month next.

The acts and laws aforesaid were assented unto the 15th day of the third month, 1683, by the Governor, and written out by the authority aforesaid.

By Thomas Revell, Clerk to the General Assembly.

The Acts and Laws of the General Assembly last mentioned, at their Session at Burlington,

(According to their Convention by the Governor and Council) beginning the 5th Day of the 7th Month 1683, and ending the 8th Day of the same month. The Members whereof being particularly mentioned before at their first appearing and Session.

The Governor
to be Chairman.

IT is resolved and unanimously agreed upon by this Assembly, that the Governor, be chairman, or speaker, and that he sit as one with the Assembly, together with the Council, and the chairman to have two votes, or a double vote.

When a Mem-
ber Dyes to
chuse another.

I. **B**E IT ENACTED by the General Free Assembly of this Province, and by the authority of the Governor thereof, with the advice of his Council, that when any member or members of the Assembly, shall depart this life before the dissolution or determination of that Assembly, then the Governor (with the advice of his Council) shall and may issue forth his warrant or warrants, for that or those tenths where such member or members shall be wanting, for the choice of another, or others instead of such so dying.

II. And whereas it hath pleased God to commit this country and Province, into the hands of such who (for the generality of them) are fearing God, and

painful and industrious, in the promoting and improving the said Province ; and for the better preventing of such as are prophane, loose, and idle, and scandalous from settling amongst us, who are, and will be not only unserviceable, but greatly burdensome to the Province, *It is therefore hereby enacted* by the authority aforesaid, that all person and persons, who shall transport him, or themselves, into this Province, shall within eighteen months after he or they shall arrive in the said Province, procure and produce a certificate under the hands of such of that religious society to whom he or they did belong, or otherwise from two magistrates (if procurable) or two constables or overseers of the poor, with three or more creditable persons of the neighbourhood, who inhabit or belong to the place where he or they did last recide, as may give satisfaction (that is to say) that he or they came not clandestinely away, and (if unmarried) that he or she are clear from former engagements, in that particular, and also that he or she, are such as live soberly and honestly to the best of their knowledge. And that no justice shall presume to marry any such person or persons, who shall come into this Province before such certificate be procured, or that it be laid before the Governor, and two justices, and give them sufficient satisfaction concerning their clearness. And that all such person and persons, who shall settle in the said Province, and shall refuse or neglect to procure such certificate, as aforesaid, within the said eighteen months, shall be fined at the discretion of the Governor and Council of the said Province, not exceeding twenty pounds ; the same to be levied by distress and sale of the offenders goods, and to be paid into the hands of the treasurers of the said Province.

Persons arriving in this Province to settle shall procure a Certificate that they came honestly away.

III. And for preventing the spoiling the breed of horses, *Be it enacted* by the authority aforesaid, that no person or persons, within this Province, shall from and after the 20th day of the third month next, keep and suffer a stone horse, being three years old, and under fourteen hands high, (four inches to the hand) to range in the woods, under the penalty and forfeiture of five pounds, for each and every

Stone horses 3 years old, and under 14 hands high, not to range in the Wood.

such stone-horse that shall so range in the woods, three months after warning and notice thereof given: And in case of neglect or refusal of the payment of the said fine, to be levied by distress and sale of the offenders goods, and to be paid, the one half thereof to the informer, and the other half into the hands of the treasurers, of the said Province.

For preventing
firing Woods, to
the injury of
others.

IV. For preventing firing the woods to the prejudice of the inhabitants of this Province; *Be it enacted* by the authority aforesaid, that no person or persons hence forward shall fire the woods before the 20th of the 12th month, (except such as shall fire within their own bounds, for their own conveniency, who are also to take care, that the fire run not out of their own limits, nor prejudice any other person) under the penalty of paying the damage that shall be done thereby; and also of being fined by the Governor and Council, not exceeding forty shillings for every such offence.

For Persons
that shall fraud-
ulently leave
the Province or
abscond them-
selves.

V. And for preventing persons fraudulently leaving the Province, and the unequal and fraudulent seizing upon the goods and estate of persons absconding themselves, or leaving the Province, by one or more of the creditors; *Be it hereby enacted* by the authority aforesaid, that all and every master, and masters, of vessels shall give five hundred pounds bond to the Governor of this Province, that he, or they shall not, or will not, take into his or their vessel, to transport or carry away, any servant or servants, or any other person or persons forth of this Province without a certificate under the hands and seals of two or more of the magistrates of the said Province, that the name of such person or persons have been put up in three publick places of the said Province, (viz) at Salem, at Burlington, and at the falls, for the space of three weeks, giving notice of his or their intention to transport themselves. And further that if any person or persons shall abscond him or themselves, or leave the Province, being indebted, and having goods, or estate in the said Province, no creditor or creditors, shall have attachment granted against

such goods or estate, until notice shall have been thirty days publickly given for the rest of the creditors to come in, that so such goods and estate may be equally proportioned amongst such and so many of the creditors as shall within the time aforesaid, come in and prove the justness of his and their debt, before three or more of the magistrates of the said Province, who in the mean time, upon just ground and suspicion of the parties absconding, and complaint of any of the creditors, shall be and are hereby impowered to secure such goods and estate within the said Province for the use and intent aforesaid; and that such goods and estate at the next court after the same shall be secured, and the time before limitted shall be expired, shall be then called forfeit to the creditors, and the same appraised and disposed of as aforesaid; and the overplus (if any be) to be returned to the owner thereof.

VI. And for the preventing servants running away from their masters, and other vagabonds, *Be it hereby enacted* by the authority aforesaid, that all magistrates, officers, ordinary keepers, and other the inhabitants within this Province, take special notice of all suspicious travellers, and require their pass or certificates, under the hand and seal of the magistrate or magistrates, or publick notary of the place of their last abode, to satisfy of the clearness of his, her, or their coming away, and for want of such pass or certificate, to secure such person or persons into the custody of the next constable; which person and persons so to be secured, or their masters; shall pay such charge and trouble as the person or persons shall be put to, in the securing them as aforesaid, before they shall be discharged, at the discretion of two or more of the magistrates of the said Province.

For preventing of Servants running away and other Vagabonds, &c.

VII. And for the preventing of those heathenish practices and words, which are unbecoming people professing to know God, and which are dishonourable to his name, and tend to the stirring up of quarrels, and the breaking of the peace; *Be it therefore enacted* by the authority aforesaid, that if any person shall from and after the nine and twen-

For preventing of Cursing and Reviling speeches, &c.

tieth day of this instant, 7th month, be convict of cursing or using any other brutish, abusive, or reviling speech or speeches, either in the hearing of a magistrate, or by the testimony of one or more creditable person or persons, that all and every such person and persons shall forfeit and pay for every such offence, according to the discretion of the magistrate or magistrates, to, or before whom such offence shall appear, not exceeding two shillings, and upon refusal, or neglect of payment thereof, to be taken into custody, till he or they shall pay the same, and the charge that shall accrue upon his or their refusal, on neglect of payment thereof.

For the more
equal way of
chusing the Rep-
resentatives.

VIII. And whereas by experience we have found the inconveniency of nominating the persons who are to stand in choice for members of the General Assembly, there being so many who claim a right in the nominating of them, makes great confusion, it being impossible each such nomination should stand, *Be it therefore enacted* by the authority aforesaid, that the respective freeholders within each tenth, when they come together at the time appointed, may every one write the name of such person as he votes for, on a small peice of paper, and he that hath the most votes, thereby to stand.

Persons who
bring in their
Deeds, &c. to
have their land
confirmed.

IX. And it being taken into consideration concerning the good providence of God, in preserving those that have come and settled in this Province, by which this hath been improved to the great benefit and advantage of the Proprietors thereof; and forasmuch as many that came into this Province to settle, having a right to lands in the same, and many discouragements having happen'd to the endangering the ruining many families for want of their land, or part of it, to settle and improve the same, through the necessity of which there hath been concluded on, made and signed by the Governor, Samuel Jennings, with Edward Billings, and the rest of the Proprietors, an instrument empowering ten commissioners with the Governor to set out land to those that had right to the same, &c. that the said Province might not be left void of inhabitants, as it was likely to be for want of land being set out to those who hazarded their lives, and had brought their families over to settle, to their great charge, and in

pursuance of the same, several tracts of land having been set out and improved; *It is therefore hereby enacted* by authority aforesaid, that all person and persons, who shall bring in their deeds, writings, or evidences to the Governor and commissioners, and shall before them, clear their right to what land they have so taken up, and hold by virtue thereof, shall be and hereby is and are confirm'd to them, their heirs and assigns forever, provided they continue the improvements of the same settlements, according to the rules, methods, and laws in the case made and provided.

X. *And be it further enacted* by the authority aforesaid, that no person or persons, shall presume to buy any tract or tracts of lands, of, or from the Indians within this Province, without special order and authority to him and them given by the Governor and commissioners, or the major part of them for the time being; and if any person or persons shall notwithstanding, presume to buy or take any title from the Indians, of, and for any land within the said Province, such said title, and titles, shall be and is hereby declared null and void, to all intents and purposes: And such person and persons who shall buy, procure or accept thereof without such authority aforesaid, shall be deemed, and is and are hereby declared to be enemies to and contemnners of the authorities of the Province, and the government thereof, and shall be fined for the same at the discretion of the Governor and commissioners, or the major part of them, not exceeding five shillings for each and every acre of land, he or they shall so purchase as aforesaid; and upon neglect or refusal of payment thereof, to be levied upon any of the offenders goods, chattles, or estate; and to be paid to the treasurers of this Province, for the use thereof.

Not to purchase Lands of the Indians without Orders of the Governor, and Commissioners, &c.

XI. *And be it further enacted* by the authority aforesaid, that a registry shall be kept within this Province, of all persons that are or shall come into the same Province, to settle or continue therein, of the time they came, or shall come in, of the place from whence they came, with the

For a publick Registry.

name of the ship or vessel they came in, and master thereof, the place of their last abode, of their age, and (if parents) the number, names, and age of their children, with the place or places where they were born ; (if masters) the number and names of their servants, with the time of their service, by contract or otherwise and their wages, and covenants ; for which the register shall receive and take six-pence per head : In pursuance whereof, each and every master, or head of every family, and all other single persons within this Province is, and are hereby required to bring in their names, with the names of all such they shall be then concerned for as aforesaid, to the register or his deputy, within six months next, to some convenient place within the liberties or jurisdiction of that court they reside in, to be appointed by the register, under the penalty and forfeiture of five shillings per head, for each person, that is and are to be brought and given in as aforesaid ; the same to be levied by the register upon the good and chattles of him, or her who shall be concerned to bring in the same as aforesaid, and shall refuse, or neglect to do the same.

William Welch, chosen register for the premises aforesaid.

4 Acres in Burlington, given to Edward Billinge.

XII. *And be it further enacted* by authority aforesaid, that the piece of land, set forth in Burlington, for and on the behalf of Edward Billinge as a gratuity to him, containing four acres, for the building a house for him to live in, and for a conveniency thereunto, is hereby given to him the said Edward Billinge, his heirs and assigns forever, and the owner and owners thereof to be paid for the same out of the publick stock.

To treat with Governor Penn about the rights of the River.

XIII. *And be it enacted* by the authority aforesaid, and hereby resolved, that the Proprietary, &c. of the Province of Pennsylvania, be treated with in reference to the rights and priviledges of this Province, to or in the river Delaware.

XIV. And further that (with the Governor, and such and so many of his Council, as he shall think

fit) the Assembly nominate and hereby appoint Wiliam Welch, Samuel Wills, and William Peachee, to treat in the aforementioned premises.

Thomas Ollive, chosen of the Governor's Council instead of Mark Newbie, deceased.

William Welch, chosen of the Governor's Council instead of Henry Stacy, to act and officiate therein, after the said Henry shall remove forth of the Province. Thomas Thackery, chosen commissioner instead of Mark Newbie, deceased. Francis Collins, chosen of the Governor's Council instead of John Skeen.

The Assembly adjourn unto the third of the ninth month, next.

The acts and laws of this session aforesaid, were assented unto the eighth day of the seventh month, 1683, by the Governor, and written out by authority aforesaid.

By Thomas Revell, Clerk to the General Assembly.

At the General Assembly according to their adjournment to appear at Burlington, the third of the ninth Month 1683, and by adjournment, continued to the eighth Day of the same Month.

The members whereof being as aforesaid, only those were newly elected, (viz.)

John Hollingshead, and Richard Basnet, instead of John Skeene, and John Chaffin.

And Henry Wood, and Robert Zane, instead of Henry Stacy, and Mark Newbie.

I. **B**E IT ENACTED by the General Free Assembly of this Province, and by the authority of the Governor thereof, with the advice of his Council, that persons interested in the said Province, may come in to the Assembly at the first meeting and opening of the same Assembly; provided they stay not to impede the business of the same Assembly.

II. *And further be it enacted* by the authority aforesaid, that all persons who from and after the five and twentieth day of the first month next, shall keep hogs, or swine, within this Province to the injury of their neighbours marsh or meadow, shall pay the damage that shall be done thereby, to be valued at the discretion of two or more of the neighbours indifferently to be chosen between the parties.

III. And forasmuch as several reports and complaints

of late have been made of a suspicion of new money being coined, stamped, or counterfeited, of the Spanish and New England coin, or of its being spread within this Province, to the injury and abuse thereof and of the neighbour Provinces; *Be it hereby enacted* by the authority aforesaid, that strict and diligent enquiry be made for the finding out such person or persons who have been guilty thereof, and to apprehend such offender and offenders, and that a grand inquest shall be thereupon impanelled for the searching into the same, that so such person and persons as shall be found guilty thereof, may receive such punishment, as by the court shall be adjudged.

For finding out such as Stamp or spread Counterfeit Coin.

IV. *And further be it enacted* and resolved by the authority aforesaid, that the engagement for acknowledgement, and owning of the government, Governor, and officers thereof, shall stand as the same is drawn, and be subscribed according to the common way of the magistrates and officers subscription or engaging, by the Assembly, Proprietors, and freeholders of the said Province.

For subscribing the engagement.

V. *Be it hereby further enacted* by the authority aforesaid, that an instrument, containing the state of the case of the Proprietors of this Province, with Edward Billinge, in relation to the peoples legal and equitable right to the government of the Province, shall be drawn up and sent to friends in London, (adding Henry Stacy, and James Martin, to the friends formerly sent to) to treat with Edward Billinge; as also that a particular letter of the same to Edward Billinge, shall be also sent therewith.

For the drawing up and sending the State of the Case of the People of this Province, &c.

The persons hereby appointed with all possible speed to draw up the instrument, and letter aforesaid, are

SAMUEL JENINGS, Governor.

Thomas Ollive,
John Gosling,
William Biddle,
Mahlon Stacy,
William Emley,

Thomas Budd,
Daniel Wills,
George Hutchinson,
Robert Stacy,
or any six of them.

And that as many hands may be got to the same premises as conveniently may be had.

That persons
forbear Words
and Actions
tending to the
breach of Peace.

VI. *And be it enacted* by the authority aforesaid, that a proclamation be issued forth and published, warning all persons within this Province for the future, to forbear any words or actions, tending to the breach of the peace of our Lord the King, and the subverting, undermining, or abusing the government of this Province.

Persons who
have so done
how they are to
be dealt with.

VII. *And be it further enacted* by the authority aforesaid, that whereas several persons have been examined before the Assembly, concerning words and actions tending to the subversion, undermining, and abusive of the government, magistrates, and officers of this Province, which (upon serious consideration) is judged dangerous and insufferable. The same persons shall be first dealt withall by way of a Christian conference concerning the same premises in order to bring them to, and lay them under a sense of the evil thereof, which (if that effect not) they are left to the Governor and Council, to deal with them according to law.

For a Thou-
sand Acres for
Thomas Math-
ews.

VIII. And in answer to the proposal of Thomas Mathews, for a thousand acres of land for a saw-mill, upon the forks of Rancokus, in exchange for so much land elsewhere, *Be it enacted* and resolved by the authority aforesaid, that the consideration of the premises be laid before the Governor, and six of the commissioners, and if they shall see good, and judge it will be for the benefit of this Province; that then the said Thomas Mathews, by their appointment, may either purchase the said one thousand acres, or exchange other lands for the same; *And it is hereby enacted and resolved*, that then the building and maintaining the same shall be esteemed as a settlement thereof.

The acts and laws of the session last aforesaid, were assented unto the 8th of the 9th month 1683, by the Governor, and written out by the authority aforesaid.

By Thomas Revell, Clerk to the General Assembly.

At the General Assembly at
their Session at Burlington,
for the Province of West Jer-
sey,

*Convened to appear the nine and Twentieth Day of the first
Month called March, 1684, and ending the fifth Day of the second
Month then next following.*

The members whereof being as aforesaid, only elected.

Robert Dinsdale, instead of John Gosling.

And also Robert Dinsdale, chosen commissioner instead
of John Gosling, and also one of the Council.

Robert Stacy, chosen one of the Council, instead of
Thomas Budd, and also commissioner for the lower tenths.

I. **B**E IT HEREBY ENACTED and re-
solved by the Proprietors and free-
holders within the Province of West Jersey in
Free Assembly met, that the matter relating their demand
and vindication of their right to the Government, against
Edward Billing's pretence to the same, shall be proceeded
in; and first that a demand to Edward Billing for his con-
firmation of what he hath sold, shall first be made. In pur-
suance whereof the Assembly unanimously nominate, elect
and chuse Governor Samuel Jenings, and Thomas Budd,
to negotiate the said affair in England, and commissioneate
and empower them for the transacting the same.

For the De-
mand and Vindi-
cation of the
Peoples right to
the Government,

The particular orders, instructions, and methods by

the said commissaries to be observed in the same affair are elsewhere specified.

Governor Jennings to have 100l. in consideration of his undertaking.

II. *And be it enacted* by the authority aforesaid, that Governor Samuel Jennings, shall have one hundred pounds sterling money of old

England, as a gratuity for and in consideration of his loss of time and absence from his own affairs in this Province, in his going for England, to transact and carry on the publick concern of this Province in relation to the Government thereof.

For 100l. more certain for necessary charges, &c.

And further that one hundred pounds more, sterling money of old England, shall be provided certain in England for the payment of the charges and necessary expences to be disbursed by the commissioners and agents, in and about the seeking for and obtaining the confirmation of the power of the Government of this Province; and that the said commissioners shall have letters of credit, for the receiving what money more they shall or may have need of in England, for the carrying on the premises.

The Assembly to stand security for the Money to be procured for the Province.

III. *And be it further hereby enacted* and resolved by the authority aforesaid, that the General Assembly of this Province, shall stand security, on the behalf of the Province, for the payment of the two hundred pounds sterling money of old England, or more (if it shall be wanted) to be procured by bills, or letters of credit, or such other way as the said commissioners can, or shall procure it, for the manageing and carrying on the affairs of the publick in the above mentioned premisses.

Governor Samuel Jennings, Thomas Budd, and Thomas Ollive, are become bound for one hundred pounds sterling on the publick account.

And those persons under written have by their several bills bound themselves, for each of them ten pounds sterling money of England, to Governor Penn, being in the whole one hundred pounds, with interest on the publick account, (viz.)

George Hutchinson,	Thomas Lambert,
Mahlon Stacy,	Richard Bassnet,
Percifall Towl,	Richard Guy,
William Cooper,	Elias Farre,
Robert Densdale,	Thomas Revell,

IV. *Be it also hereby enacted* by authority 3000 Acres granted for the discharge of the aforesaid 200l. lent. aforesaid, that three thousand acres of land (more than what is formerly ordered to be sold) above the falls (when purchased) shall be, and is hereby secured for the discharge of the two hundred pounds, lent to the publick ; that is to say, one thousand five hundred acres thereof to Samued Jennings, Thomas Budd, and Thomas Ollive, their heirs and assigns, for the one hundred pounds, lent or secured by them ; and one thousand five hundred acres the remainder thereof to the aforesaid ten persons, that is to say, to George Hutchinson, Mahlon Stacy, Percifall Towl, William Cooper, Robert Dinsdale, Thomas Lambert, Richard Bassnet, Richard Guy, Elias Farre, and Thomas Revell, and their respective heirs and assigns, to each of them one hundred and fifty acres thereof, for their ten pounds a peice, with interest lent to the use aforesaid. And the commissioners appointed for selling land above the falls, (when purchased) are also hereby authorized to sell the same three thousand acres of land for the payment of the said sums respectively with the interest, if the same sums and interest shall not be paid within two years next coming after the fifth day of this instant, second month, then the same land shall become forfeit and particularly sold to the said persons, their heirs and assigns for ever, for their respective discharge and satisfaction : and the commissioners (who are to sell the same) shall stand seized of the said three thousand acres in trust for the said persons respectively, for the selling and conveying the same as aforesaid, and in case the aforesaid two hundred pounds lent as aforesaid, shall not be paid and satisfied by land as aforesaid, then that the same shall be paid particularly by sale of other lands in the Province, so soon as the same may be raised.

V. *And be it hereby enacted* by authority aforesaid, that all such person and per-

For Persons sons, who from and after the 20th of the second
travelling with- month instant, shall be found travelling within
out a Certificate. this Province without a certificate, under the hand and seal of
a magistrate, or magistrates of this, or the neighbouring Prov-
inces, and may be reasonably suspected to be such as are
not going about their lawful and honest occasions, such per-
son and persons, shall and may be seized upon, secured and
taken before the next justice of the peace to be examined,
and dealt with according to law : And in pursuance thereof
all sheriffs, constables and other officers within this Prov-
ince, and all inn-keepers, ordinary's, and publick houses,
and all other person and persons within this said Province,
are hereby authorized and impowered to take diligent notice
of all such persons so travelling without a certificate, and
where they shall find such in the said Province, to seize and
secure them until they shall be examined as aforesaid ; and
he or they who shall take up any such person or persons
who shall be found faulty, he or they so taking them up
shall be reasonably rewarded ; and if the parties so taken
up be servants, their masters to pay it, and if free men,
then they are to be made work to discharge the same. And
if any person or persons within the said Province shall be
found conniving at such suspicious persons, or any ways
harbouring or corresponding with them, upon due proof
thereof made, such person and persons, shall be punished
according to the nature of the offence.

Warrants and
Hue and Cryes
made by the
Magistrates of
Pennsylvania, to
be of equal
Force as if
made by our
own Magis-
trates.

VI. And for the more speedy prosecuting of-
fenders, and for the greater concord and union
of the two Provinces of West Jersey, and Penn-
sylvania ; *Be it hereby enacted* by the authority
aforesaid, that all warrants, and hue and crys
of the magistrates within the Province of Penn-
sylvania, against all offenders, especially fel-
lons, run-away servants, and such as commit heinous misde-
meanors, to the affront of authority, shall from henceforth
be of equal force and authority within this Province, and
shall be as duly observed and obeyed by all person and per-
sons therein, in order to the premises aforesaid, as if the
same warrants were made, signed and sealed by one or more
of the magistrates within the said Province of West Jersey.

Thomas Ollive, nominated by the Governor, as Deputy Governor, until the next General Assembly, and George Hutchinson, chosen Treasurer instead of Thomas Budd, and George Hutchinson, and Thomas Gardner, chosen commissioners for selling land, in the six lower tenths, instead of Samuel Jenings, and Thomas Budd.

And George Hutchinson, also chosen commissioners for the buying and for the selling land in the first tenth, instead of Thomas Budd.

All which acts and laws, and resolves are assented unto by the Governor, the 5th day of the second month, 1684, and written out by the authority aforesaid.

By Thomas Revell, Clerk to the General Assembly.

Province of West New Jersey, 1684.

The Acts and Laws of the General Assembly, at their Sessions at Burlington, for the Province aforesaid from the 20th Day of the third Month called May, 1684, and ending the 14th Day of the same Month, and confirmed by the Governor thereof.

The members of the same Assembly, returned by the respective sheriffs.

First Tenth.

George Hutchinson,	Richard Guy,
Robert Stacy,	Percifall,
William Biddle,	Mahlon Stacy,
Francis Davenport,	William Emley,
Elias Farre,	Godfrey Hancock,

490 Laws passed in West Jersey.

Second Tenth.

Robert Dinsdale,	William Peachee,
Thomas Ollive,	Benjamin Scott,
Thomas Gardner,	Isaac Marriott,
John Gosling,	John Boarton,
Daniel Wills,	Richard Bassnett,

Third Tenth.

William Cooper,	Henry Wood,
Robert Turner,	Marcus Lawrence,
Francis Collins,	William Bates,
Henry Tradway,	

Salem Tenth.

William Brathwiyate,	John Pledger,
John Smith,	Thomas Smith,
Christopher White,	Roger Milton,
Roger Carary,	George Haselwood,
Christopher Saunders,	Francis Forest,

Members not appearing.

George Hutchinson,	Henry Wood,
John Gosling,	Roger Carary,
Benjamin Scott,	Thomas Smith,

Thomas Ollive, by the unanimous vote of the Assembly, chosen chairman, or speaker.

WE the General Assembly having seriously weighed necessity of government, for the keeping the peace, and the preserving of property ; do unanimously judge, that the best present expedient for the performing and maintaining the same, is to continue it upon the same foot and bottom, and in the same method as formerly, until matters shall be controverted and determined in England, or the King's pleasure be further known therein.

THOMAS OLLIVE, chosen Governor.

The Council chosen are,

Robert Stacy,	Robert Dinsdale,
William Biddle,	John Gosling,

Elias Farre,	Daniel Wills,
Richard Guy,	Robert Turner,
William Emley,	Christopher White,

Who are also justices, ex officio.

Justices elected.

First Tenth.

Robert Stacy,	Francis Davenport,
Elias Farre,	Thomas Lambert,

Second Tenth.

Robert Dinsdale,	Thomas Gardner,
John Gosling,	

Third Tenth.

Francis Collins,	Thomas Thackery,
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Salem Tenth,

James Nevil,	Andrew Thompson,
George Deacon,	Edward Bradway,

Commissioners chosen,

Richard Guy,	Daniel Wills,
William Biddle,	Robert Turner,
William Peachee,	Henry Wood,

And for the six lower Tenths.

Isaac Marriott,	William Cooper,
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Treasurers chosen.

Thomas Gardner,	John Gosling,
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And for Salem.

George Haselwood,

Commissioners for purchasing land of the Indians, and for selling such part thereof has formerly hath been appointed.

Mahlon Stacy,	William Emley,
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Thomas Ollive, is desired to assist, and Daniel Wills.

492 Laws passed in West Jersey.

The Recorder for Burlington jurisdiction, and Clerk of the General Assembly.

Thomas Revel.

The Recorder of Salem, &c.

Samuel Hedge.

The Sheriff for Burlington jurisdiction.

Benjamin Wheat.

The Sheriff for Salem.

Thomas Woodroffe.

General Surveyor, Daniel Leeds,

Constables.

First Tenth.

John Lambert, Eleazer Fenton,
Robert Murfin,

Second Tenth.

William Evans, John Hollinshead,

Third Tenth.

Robert Zane,

For the Tenth below to Old Man's Creek.
Hance Hopman,

And for Burlington,

John Dewesbury, James Hill,

^{The number}
of Quorum.

Resolved that the number of the quorum of this Assembly, shall be twenty and four, (the Governor, speaker, or chairman being one) who may proceed in the business of the House.

^{For laying}
forth Highways.

I. **B**E IT HEREBY ENACTED by the General Free Assembly of this Province, by the authority of the Governor thereof, with the advice of his Council, that needful and necessary highways within this Province shall be laid forth, within each and every respective tenths, or limits (as hitherto dispensed with) by the respective commissioners herein

after nominated and appointed, or the major part of them within their several limits.

The commissioners for laying out the same, are.

For the first Tenth.

Joshua Wright,	Godfrey Hancock,
Thomas Lambert,	Elias Farre,
Percifal Towle,	John Woolston,

For second Tenth.

John Boarton,	Thomas French,
Daniel Wills,	John Hollingshead,
William Peachee,	Anthony Elton,

For third Tenth.

Henry Wood,	Thomas Sharpe,
William Bates,	Francis Collins,

For Salem Tenth.

Andrew Thomson,	James Peirce,
George Deacon,	Edward Champney,
Thomas Smith,	Joseph White,

II. *And be it hereby further enacted* by the authority aforesaid, that from and after publication hereof, three farthings of the King's coin, shall be accounted, and go current for one penny within this Province, and so proportionably to greater sums ; provided none shall be constrained to take more than five shillings thereof at one payment.

Three farthings to go current for a penny.

III. *And be it hereby also enacted* by the authority aforesaid, that each and every tenth within this Province, have power and are hereby authorized, to lay and levy such taxes within their own respective tenths, as the same for a time are dispensed with, as shall be necessary from time to time, for the making and repairing their respective bridges and highways, within each respective tenth.

Each Tenth to lay Taxes for making and repairing Bridges.

IV. And forasmuch as several considerable sums of money of late have been borrowed for and upon the publick accout, for the necessary maintaining the weigh-

A Tax of 5s. per hundred Acres on Lands held so much certain. And 2s. 6d. per Hundred Acres on those who have undivided shares in the Province. And also for assessing Tradesmen, &c.

ty concerns of this Province now on foot, and for the paying the quit rents to the Duke, or his agents; for the payment whereof, and for the better supporting the publick concerns, and defraying, and discharging the necessary charges thereof; *Be it hereby enacted* by the authority aforesaid, that five shillings for each and every hundred acres of land shall be laid and assessed upon such as have land which they hold certain, and not as purchasers of undivided shares through the country, from the upper end of the Province, down as low as old Man's Creek: And also that two shillings and six-pence, shall be laid and assessed upon each and every hundred acres of land, which is in the possession of such who held as purchasers of undivided shares or parts of land through the country within this Province, (except Salem tenth) and also that all other person and persons within this Province, who are free men, and are artificers, or workmen, or follow any trade, or merchandizing, and also all innholders, ordinary keepers, and other persons in places of profit within this Province, shall be lyable to be assessed for the same, according to the discretion of the assessors to be appointed by the General Assembly or their order: And

Threescore pounds to be levied within the limits of Salem.

that the people of Salem limits shall assess, levy and gather the sum of threescore pounds upon the freeholders, and inhabitants, from Old Mans creek, and thence downwards, for their share and portion towards the defraying and discharging of the necessary expences in and about the public concern of this Province; and the same to be laid, assessed and collected in such equal manner, upon the persons within the said limits, as by the assessors (by them to be chosen) shall be judg'd most equitable and reasonable.

Each Tenth to nominate and chuse 6 Assessors and 2 Collectors, &c.

V. *And be it hereby further enacted* by the authority aforesaid, that each and every of the tenths shall gather together, and chuse amongst themselves six honest and able men to be assessors, to assess each and every person assessable as aforesaid, within that respective tenth or circuit hereby limited according to the act aforesaid, and also to nominate and appoint two collectors or receivers, to receive the same within each and every tenth respectively, who are to pay in the same assessment

and tax unto John Gosling, and Thomas Gardner, the treasurers of the said Province, on or before the 29th day of the 7th month next: And further that all and every person and persons who shall refuse or neglect to pay into the collectors, his and their respective tax or assessment, to be laid as aforesaid, within the time appointed, that then it shall and may be lawful for the next magistrate within that respective limit to issue forth his warrant to the constable to gather or distrain for double the sum taxed upon him or them so refusing, or neglecting, and all such charges as shall be reasonable for the levying the same.

VI. *And be it hereby enacted* by the authority aforesaid, that a publick registry shall be kept within this Province, that is to say, one for the nine tenths, and one for Salem tenth, of all persons within this Province, that are, or shall come in, to settle therein (viz.) of the time they came in, or shall come in, the place from whence they came, the ship in which they came, the place of their abode or settlement here, their age, the number, names, and age of their children, and the place where they were born, the names of their servants, and time of their service; for which the register shall receive three shillings per head: In pursuance whereof, each and every master and mistress, or head of every family, and all other single persons within this Province, is and are hereby required to bring in their names, with the names of all such they are concerned for as aforesaid, to the respective registers within this Province, or his or their respective deputy, on his side or before the twenty-ninth day of the seventh month next ensuing, under the penalty of one shilling per head, for all such as shall refuse or neglect to do the same within the said time herein before limited.

For a publick Registry for the nine Tenths, and one for Salem Tenth.

And William Emley, is chosen register for the same within the nine tenths,—And Samuel Hedge, register for the Salem tenth.

VII. *And be it hereby further enacted* by the authority aforesaid, that the surveyor already or hereafter to be chosen, shall not deputize or appoint any person or persons under

The Surveyor not to Deputize any to Survey their own Land.

him or them, to survey his or their own land ; and that if any such deputations have, or shall be given, the same is and shall be null and void.

Forty Pounds
to be raised
within Salem.

VIII. *Be it hereby also enacted* by the authority aforesaid, that the sum of forty pounds, shall be assessed, and levied, and raised in the aforesaid limits of Salem, for the discharge of publick debts there, and defraying other necessary charges, which is to be assessed, levied, and raised in manner as the before mentioned tax is to be raised, and paid in to George Hazelwood, the treasurer, at or before the nine and twentieth day of the 7th month next. And further Christopher White, John Pledger, and Edward Bradway, are hereby required to call such person and persons within the limits of Salem, to account for all such sum and sums of money, or other goods which they have had in their hands, upon the publick account ; and also to require such persons (as upon account shall be found indebted, to the publick) to pay in the same of George Hazelwood, their treasurer, on this side, or before the nine and twentieth of the 7th month next.

Necessary
Highways, to be
laid out for Sa-
lem, and the Per-
sons to do the
same.

IX. And upon application of several of the inhabitants within Salem limits, for the laying out of necessary highways there ; *Be it hereby enacted* by the authority aforesaid, that necessary highways within Salem limits aforesaid, shall be laid forth, and the representatives for Salem having nominated, Andrew Thompson, George Deacon, Thomas Smith, James Peirce, Edward Champney, and George White, commissioners, or any four of them, for the laying out of all highways needful within the aforesaid limits, the whole Assembly thereupon have approved of, and hereby elect and chuse them, the said Andrew Thomson, George Deacon, Thomas Smith, James Peirce, Edward Champney, and Joseph White, for the performance of the same.

All which acts and laws were assented to by the Governor, the 14th day of the 3d month, 1684, and written out by authority aforesaid.

By Thomas Revell, Clerk to General Assembly.

Adjourned to the third of the ninth month next.

At a General Assembly according to adjournment at Burlington, held the 3d Day of the 9th Month, 1684.

The members thereof then appearing.

Thomas Ollive, Governor and Speaker.

Robert Stacy,	John Boarton,
William Biddle,	Richard Bassnett,
Elias Farre,	William Cooper,
Richard Guy,	Robert Turner,
Mahlon Stacy,	Francis Collins,
William Emley,	Henry Wood,
Francis Davenport,	Marcus Lawrence,
Godfrey Hancock,	William Bates,
Percifall Towle,	Christopher White,
Robert Dinsdale,	John Pledger,
Thomas Gardner,	George Haselwood,
John Gosling,	Francis Forrest,
Daniel Wills,	Roger Milton,
William Peachee,	Thomas Smith,

I. **P**ROPOSED whether to proceed further in business as matters now stand, or to let things remain as they are: It is unanimously agreed and resolved that matters remain, without proceeding further at present.

The petition of Nicholas Demyre, by John Wilms his attorney, read, and his appeal to this Assembly entered, and the certificate of Samuel Hedge, defendant, read, and the 4th of the same month both complainant and defendant declare they are agreed concerning the land in contest.

The Assembly adjourn to the 11th of the 3d month, next, unless immergent occasions require their coming together sooner, and then the time of such meeting to be appointed and published in reasonable time.

Province of West Jersey, 1685.

The Acts of the General Assembly at Burlington for the Province aforesaid, from the 12th Day of the 3d Month called May, 1685, and ending the 13th Day of the same Month and confirmed by the Governor thereof.

The members of the same General Assembly returned.

First Tenth.

Thomas Barton,	John Pancost,
George Hutchinson,	Mahlon Stacy,
Percifall Towl,	John Horner,
Francis Davenport,	William Biddle,
Robert Stacy,	William Emly,
Mahlon Stacy, and William Emly, appeared not.	

Second Tenth.

Thomas Ollive,	William Peachee,
Robert Dinsdale,	John Boarton,
John Gosling,	William Evans,
Daniel Wills,	James Budd,
Thomas Gardner,	Richard Bassnett,
John Gosling, appears not.	

Third Tenth.

Robert Turner,	Richard Russell,
Thomas Sharp,	Richard Arnold,
Samuel Cole,	William Albertson,
Samuel Carpenter,	
Robert Turner, and Samuel Carpenter, appear not.	

Fourth Tenth.

Peter Delboe, William Warner,

Salem Tenth.

John Mattocks, Hypoet Leseaver,
 Richard Johnston, Roger Milton,
 William Penton, George Haselwood,
 Joseph White, Richard Tindall,
 Roger Carary, Samuel Bacon,

The six last mentioned appeared not.

Thomas Olive, chosen to continue Governor, chairman,
 or speaker.

THE Assembly upon the considerations mentioned in the
 last Assembly, agree and resolve, to continue things
 upon the same foot and bottom as formerly, until matters
 shall be controverted in England, or the King's pleasure be
 further known therein.

The Council chosen,

Robert Stacy, Daniel Wills,
 William Biddle, Robert Turner,
 William Emley, James Budd,
 Robert Dinsdale, George Hutchinson,
 John Gosling, Francis Davenport,

Who are also justices, ex officio.

Justices chosen.

First Tenth.

Robert Stacy, Francis Davenport,
 Elias Farre, Thomas Lambert,

Second Tenth,

Robert Dinsdale, Thomas Gardner,
 John Gosling, William Peachee,

Third Tenth.

Francis Collins, Thomas Thackery,

Fourth Tenth.

Andrew Robinson,

500 Laws passed in West Jersey.

Salem Tenth,

George Deacon,

Edward Bradway,

Andrew Thomson,

Christopher White,

Commissioners chosen.

First Tenth.

Richard Guy,

William Biddle,

Second Tenth.

William Peachee,

Daniel Wills,

Third Tenth.

Robert Turner,

Henry Wood,

Six lower Tenths.

Isaac Marriott,

William Cooper,

Treasurers chosen,

And for Salem.

Thomas Gardner,

George Haselwood,

George Hutchinson,

Commissioners chosen for purchasing land of the Indians,
and selling part thereof above the falls.

Mahlon Stacy,

Daniel Wills,

William Emley,

Governor Ollive is desired to assist them therein,

Recorder and Clerk to the Assembly.

Thomas Revel,

Sheriff for Burlington Jurisdiction.

Benjamin Wheat.

Clerk for Salem, Samuel Hedge,

And for Salem, Thomas Woodroffe,

General Surveyor, Daniel Leeds,

Constables.

First Tenth.

John Lambert,

Eleazer Fenton,

Robert Murfin,

Second Tenth.

John Hollinshead, John Payne,

Third Tenth.

Robert Zane,

For the Tenths below to Old Man's Creek.

Anthony Mealson,

For Burlington.

James Hill, Law Morris,

Commissioners for laying forth Highways, and repairing the same.

First Tenth.

Joshua Wright, Godfrey Hancock,
Thomas Lambert, Elias Farre,
Percifall Towl, John Woolston,

Second Tenth.

John Boarton, Thomas French,
Daniel Wills, John Hollinshead,
William Peachee, Anthony Elton,

Third Tenth.

William Bates, Francis Collins,
Thomas Sharp,

Salem Tenth.

Andrew Thompson, James Pierce,
George Deacon, Edward Champney,
Thomas Smith, Joseph White,

Registers for prosecuting acts made in pages 467, 468.

For the nine Tenths.

William Emley,

For Salem Tenth.

Samuel Hedge,

I. **R**ESOLVED that the Governor with the advice of his Council, for the present emergency, shall and may issue forth such proclamations and

The Governor to issue forth Proclamations for preserving the Rights of Inhabitants, &c.

precepts for the preservation of the properties and privileges of the Proprietors, freeholders and inhabitants of this Province, as he and they shall see necessary, until such time as the General Assembly shall make further provision for the securing the said property and privilege.

The Tax laid
the 14th of the
third Month,
1684, to stand.

Resolved, that the tax laid on this Province by the General Assembly thereof the 14th of the third month 1684, shall stand in force, and be collected and paid by the respective tenths to the receivers, by them appointed for receiving the same, that so it may be paid by the receivers to the treasurers, for the use and uses of the Province, in the way, method and manner as is before prescribed for that purpose.

These resolves of this Assembly are the 13th of the third month, 1685, assented to by the governor of this Province. Attested by Thomas Revel clerk to the General Assembly.

The General Assembly adjourned unto the third of the ninth month next, unless the Governor and Council shall see necessary occasion for calling them together sooner; and then the Assembly to appear upon their legal summons at the time and place as shall be appointed by the Governor and Council.

Province of West Jersey, 1685.

25th of the 9th month, 1685.

JOHN SKENE, Deputy Governor.

The names of the Representatives chosen within the respective tenths in the Province aforesaid, to meet and sit down at Burlington, in the said Province, the 25th day of the 9th month, *Anno* 1685, as the General Assembly of the same Province, according to the particular returns thereof, as followeth, viz.

First Tenth.	Second Tenth.	Third Tenth.
Mahlon Stacy,	Thomas Ollive,	Robert Turner,
Thomas Lambert,	Samuel Jennings,	Francis Collins,
William Emley,	Robert Dinsdale,	Thomas Howell,
William Biddle,	Thomas Budd,	William Bates,
Francis Davenport,	Daniel Wills,	John Reading,
Joshua Wright,	Thomas Gardner,	Robert Zane,
George Hutchinson,	James Budd,	John Hogg,
Elias Farre,	John Boarton,	Thomas Thackeray,
Robert Stacy.	William Peachee,	John Key,
Richard Guy,	William Budd,	Willim Cooper,

Fourth Tenth.

Andrew Robinson,
Israel Helme,
Woolly Dalboe,
Anthony Nealson,
Benjamin Bramma,
Richard Lawrence,
John Wood,
William Warner,
Henry Tradway,
Thomas Matthews,

Salem Tenth.

George Deacon,
Edward Wade,
James Nevil,
Joseph White,
Edward Bradway,
Samuel Hedge,
John Worledge,
Samuel Carpenter,
Mark Reeve,
William Brathwiayte,

The Assembly (reserving their just right and privileges) subject to the commission of Edward Bylling, to John Skeene, as Deputy Governor.

THOMAS OLLIVE, chosen Chairman.

In regard the season is very sharp, and several of the members are at a considerable distance from their habitations; it therefore seems to be of dangerous consequence to detain them at this juncture: And in regard the matters now before the House are of great weight; the Assembly judge it the safest way to appoint a committee, that may take time for the inspecting the new charter, and bills prepared, and duly weigh the matters and things therein contained, and make report of their sense thereof at the next meeting of this House, that then the House may give their resultment thereof, and in the mean while, the House to elect and chuse such officers as will be necessary for the assisting the Governor, in the keeping the peace of our Lord the

504 Laws passed in West Jersey.

King, and the good government of the subjects within this Province, and then to adjourn unto a fit and seasonable time, as to the House shall be thought most expedient.

Justices chosen,

First Tenth,	Second Tenth.	Third Tenth.
George Hutchinson,	James Budd,	Thomas Thackery,
Mahlon Stacy,	Robert Dinsdale,	Francis Collins,
Francis Davenport,	Thomas Ollive,	
Elias Farre,		

Fourth Tenth.	Salem Tenth.
Andrew Robinson,	George Deacon,
Richard Lawrence,	Andrew Thomson,
	Samuel Carpenter,
	Samuel Bacon,

Justice for Cape May. Constable,
Caleb Carman, Jonathan Pine,

Treasurers, George Hutchinson, and James Budd,

Commissioners for regulating of lands.

First Tenth.	Second Tenth.	Third Tenth.
William Biddle,	Daniel Wills,	Robert Turner,
Richard Guy,	William Peachee,	Henry Wood,

Fourth Tenth.	The other 5 Tenths below,
Andrew Robinson,	George Hutchinson,
Anthony Nealson,	James Budd,

Surveyor General, Andrew Robinson.

Clerk and Recorder,	Clerk for Salem.
Thomas Revell,	William Wilkinson,

Sheriff.	Salem Sheriff.
James Hill,	Thomas Woodrose,

The Council are.

William Emley,	George Hutchinson,	Samuel Carpenter,
William Biddle,	Thomas Gardner,	Elias Farre,
Richard Guy,	Andrew Robinson,	Francis Davenport,
James Budd,		

Some of the Proprietors in England having made and assigned properties here to act in their behalfs in the concerns of the General Assembly of this Province, have been offered to this House, namely.

John Skeen, Deputy Governor, for Edward Byllinge, Governor, four votes.

Andrew Robinson, for the same five votes.

George Hutchinson, for the same, five votes.

Richard Lawrence, for the same, three votes.

John Cripps, for the same, five votes.

Thomas Matthew's, for Benjamin Barclett, six votes.

The same for Robert Squib, sen. and for Robert Squibb, junr. two votes.

The Assembly conclude and resolve, that the proxies shall be referred to the committee to be chosen as aforesaid, for inspecting the aforesaid new charter and bills, to be also considered of, whether they shall be admitted or not, and the same committee are also to make report of their sense thereof, to the next meeting of this House.

The committee chosen for the same are,

Thomas Ollive,	Robert Dinsdale,
William Emley,	Robert Turner,
George Hutchinson,	Thomas Thackery,
Robert Stacy,	Francis Davenport,
William Biddle,	Andrew Robinson,
Samuel Jenings,	James Nevill,
James Budd,	

1. *Resolved*, that the new grant from the late Duke of York, (now King) of soil and government to Edward Bylling, and also the instrument from Edward Bylling, and Proprietors, shall remain in the custody of Thomas Ollive, and Thomas Gardner, until further order, and that the same be recorded.

The new Grant and Instrument to remain in Custody of Thomas Ollive, and Thomas Gardner.

II. *Resolved* also, that all such publick writings and instruments as concern this Province, shall be recorded.

Publick writings to be recorded.

III. And whereas there is an absolute necessity for the raising of money for the defraying of the charges of the

A tax for raising of Money for necessary purposes.

present government, for paying of quit-rents to the King ; for procuring or building of a sufficient prison, and the paying of some just debts which (for and on the general account of the good of the Province) are already contracted, therefore it is resolved, and hereby enacted by the unanimous consent of the Assembly, that a tax be imposed in manner after specified, that is to say, that five shillings for each and every hundred acres of land, shall be laid and assessed upon such as have land which they hold certain, and not as purchasers of undivided shares, through the country from the upper end of the Province down as low as Old Man's Creek ; and also that three shillings shall be laid and assessed upon each and every hundred acres of land which is in the possession of such who held as purchasers of undivided shares or parts of land through the country within this Province, (except Salem tenth or limits, which for the present exigent are appointed) And also all other person and persons within this Province who are free men, and are artificers, or workmen, or follow any trade, or merchandizing, and also all inholders, ordinary keepers, and other persons in places of profit within this Province, shall be lyable to be assessed for the same, according to the discretion of the assessors to be appointed by the General Assembly or their order : Reserving to all person and persons who shall find him or themselves aggrieved or wronged by his or their tax or assessment, liberty to make his or their appeal to two of the next justices, who (upon due proof of such wrong) shall have power, and are hereby impowered to remedy and redress the same according to equity and justice : And that the inhabitants of Salem limits shall assess, levy and gather the sum of eighty pounds upon the freeholders, and inhabitants, from Old Mans Creek, and thence downwards, for their share and portion towards the defraying and discharging of the necessary expences in and about the publick concern of this Province ; and the same to be laid, assessed and collected in such equal manner, upon the persons within the said limits, as by the assessors.

The Hon. ANDREW HAMILTON, Governor.

Province of West New Jersey,
November 3d, unto 12th of
the same Month.

The Acts and Laws of the Governor, Council and Representatives for said Province then made and confirmed.

I. **T**HAT whereas the purchasers and For Liberty to such as are free to take up Arms, chief inhabitants, for the generality in this Province of West New Jersey, are a people whose principles for conscience sake cannot bear arms, nor be found in the exercise of war: Nevertheless and notwithstanding that such their principles may not be found or judged injurious to the King and Queen's service (under whose protection we now live, and heartily receive them as such, as by our proclamation thereof may appear) *Be it enacted* by the Governor, Council and representatives, now in General Assembly met and assembled, and by the authority of the same, that such our principles and practice aforesaid, shall be no ways binding or obliging to restrain such of the inhabitants of this Province, whose freedom and principles induce them to serve the King in the defence of the Province in such posture and form as to the Governor and Council shall seem meet, being the liberty that we claim to ourselves may not justly be denied to them, lest we should do as we would not be done unto, any act or law made to the contrary heretofore notwithstanding.

Chapter II.

WHEREAS this Province hath been formerly divided into three counties for the better regulation thereof, and whereas Cape May (being a place well situated for trade) begins to increase to a considerable number of

For Cape May to be a County. families, and there being no greater encouragement to the settlement of a place then that there be established therein an order by government, and justice duly administred, *Be it therefore enacted* by the Governor, Council and representatives in this present Assembly met and assembled, and by the authority of the same ; that from henceforth Cape May, shall be and is hereby appointed a county, and to be called the county of Cape May, the bounds whereof to begin at the utmost flowing of the tide in Morris river northerly, being about twenty miles from the mouth of the said river, and thence by a line running easterly to the most northerly point of Great Egg Harbour, and from thence southerly along by the sea to the point of Cape May, and so round the same, then northerly along the west side of Cape May, and so westerly along the coast, and so up the east side of Morris river aforesaid, to the first point mentioned ; and that there be nominated and appointed such and so many justices, and other officers (inhabitants thereof) as at present may be necessary for keeping the peace and trying of small causes under forty shillings, consonant to the act of Assembly in that behalf made : In which circumstance the same county shall remain until it shall appear they are capable of being erected into a county court : and in case of any action, whether civil or criminal where any declaration or indictment shall be upon traverse, the same to be heard and determined at the quarterly session in Salem county, with liberty for the justices of the county of Cape May, in conjunction with the justices of Salem county in every such action in judgment to sit, and with them to determine the same.

Chapter III.

For size of Barrels and a Packer.

WHEREAS the inequality of beef and pork barrels, and ill ordering and management of provisions exported, hath been highly injurious to traders, and the reputation of this Province, and consequently detrimental to the increase of trade therein, for the avoiding of which mischief, *Be it enacted* by the Governor, Council and representatives in this present Assembly met and assembled, and by the authority of the same, that all barrels that shall be made after the publication hereof, shall contain one and thirty

gallons, and an half at the least, with the cooper's mark thereupon ; that made the same, under the forfeiture of each barrel, and the cooper that made the same shall upon conviction before one or more of the justices of the peace be fined in six shillings for each barrel made under the said guage, and without his mark, to be levied by distress and sale of his goods, and the overplus (if any be) to be returned. *And be it further enacted* by the authority aforesaid, that there shall be in every county a packer, who shall take an oath or subscribe a declaration before the justices of the respective county courts, the purport whereof shall be as followeth.

I. A. B. do solemnly promise in the presence of God, that I will exercise the office of a pack-
er, justly and uprightly according to my best knowledge and skill, particularly that I will not authorize or put my mark upon any barrel of meat, but such as shall contain thirty one gallons and an half at least, and the meat both as to the savoring and quality thereof to be merchantable, and in good condition.

The Packer's
Oath or Declara-
tion.

And that all beef and pork to be exported in barrels shall be marked with the respective parkers mark (for which the said packer shall be allowed eight pence for each barrel) on the forfeiture of the same, one third to the informer, and the other two thirds towards the support of the government.

Chap. IV.

For small Causes to be heard by one Justice.

WHEREAS petty actions, have constantly created greater charge, trouble and expence of time to the country then the value of the said actions, and equivalent to actions of greater moment, to avoid which inconveniency, and to the end the freeholders of the Province may not be unnecessarily burdened, *Be it therefore enacted* by the Governor, Council and representatives in this Assembly met and assembled, and by the authority of the same.

That from and after the publication hereof, it shall and may be lawful for any justice of the peace upon complaint to him made, to hear, and upon evidence to determine any action or actions of debt within his respective jurisdiction under forty shillings; granting liberty of and appeal to the county court if desired. *Provided always*, that the person who desires such appeal first discharge the costs of the same action, so brought before such justice, and giving bail to prosecute his appeal at the next county court with effect, and to abide the judgment of the same court.

Chapter V.

An Act for only one Session of Assembly Yearly.

WHEREAS for several years past, there hath been held yearly and every year at Burlington a General Assembly at two several times in the year (viz.) on the twelfth day of May, and the third day of November then after, and it being found by experience that the session held in November is very inconvenient by reason of the season of the year, and the great distance of the abode of several of the members of said Assembly. To prevent which inconvenience and to lessen the charge of the country, *Be it therefore enacted* by the Governor, Council and representatives in this present Assembly met and assembled, and by the authority of the same, that there shall from henceforth be but one session of the said Assembly yearly and every year, (viz.) on the twelfth day of May as aforesaid, unless upon immergent occasions, the Governor for the time being with the advice of his Council shall see meet, (by giving notice thereof) to call them oftner.

Chapter VI.

An Act for raising Money by a Poll.

WHEREAS this house hath been informed, that the Province is indebted to sundry persons, and

also being sensible of the great necessity to raise money for the support of the government, and being likewise desirous to present our present Governor, with the sum of one hundred pounds ; for the raising of a sum to answer these ends, *Be it enacted* by the Governor, Council and Representatives in this present Assembly met and assembled, and by the authority of the same, that two shillings and six-pence be laid upon every poll or head that is sixteen years old and upward, that are found resident in this Province ; and that every householder shall be accountable for these persons resident in his family, the master being hereby impowered to detain it out of the wages of such as in his respective family shall refuse to pay the said tax. And that every respective county court shall have power to appoint their own collectors that shall at the charges of each county bring the same to the treasury at Burlington, at or before the 13th day of the 1st month (called March) next ensuing : And that Thomas Gardner, and Charles Read, are hereby appointed treasurers, who are to receive the same, after the payment of the sum of one hundred pounds to the present Governor, then to discharge such debts as shall appear before two or more justices (whereof one to be of the quorum) to be truly and really Provincial, all such persons concerned therein making appear their claim at or before the said 13th day of March, or loose their debt : And after payment of such debts, the remaining part to be strictly applied and paid in for the good and support of this Province, as to the Governor, Council and General Assembly shall seem necessary and convenient ; the said treasurers and either of them to give in their accounts to the next sessions of Assembly in May, and that the tax shall be paid in silver money ; out of which the said treasurers shall have six pence per pound for their care and pains therein. And further, that in case any person or persons shall refuse or neglect to pay the said tax, the justices of the peace are hereby impowered to issue forth their warrants to the constable, to make distress and sale of the offenders goods, returning the overplus to the offender, (if any be.)

Chapter VII.

An Act for suppressing selling Rum, &c.
to Negroes, or Indians.

WHEREAS there hath been many abuses committed by permitting of rum to be sold to Indians, and notwithstanding of the laws formerly made to suppress the same, the law for that effect hath been hitherto rendered ineffectual ; *Be it enacted* by the Governor, Council and Representatives, in this present Assembly met and assembled, and by the authority of the same, that if any person or persons inhabitants or otherwise in this Province, shall be lawfully convicted of selling or giving of rum, or any manner of strong liquor either to negro or Indian, or negroes or Indians, from and after the publication hereof, he or they so offending shall forfeit for each and every such offence the sum of five pounds. Forty shillings whereof to the informer, and the other three pounds to the publick treasurer, to be applyed for the support of the government. And forasmuch as the detecting of persons so offending is difficult, *Be it therefore enacted* by the authority aforesaid, that one creditable witnesses, or a probable circumstance shall be accounted a sufficient evidence, unless the party indicted is free before sentence to purge himself by his oath or solemn declaration, that he hath not transgressed this law directly or indirectly, nor that it is violated by his knowledge, consent or procurement. *Provided always*, that this law shall not extend to a moderate giving to a negro for necessary support of nature, or to an Indian in a fainting condition (without selling or taking any reward for the same) any thing herein to the contrary notwithstanding.

Chapter VIII.

An Act for the Bounds between Burlington and Gloucester Counties.

WHEREAS there has been several petitions exhibited to this House by the people inhabiting about Pensaukin Creek, intimating their dissatisfaction concerning the line intended for the division line, between the counties of Burlington, and Gloucester, and at our sessions in May last past, the House having heard their petition and debated it, Resolved to apoint four of the members of the Assembly, (viz.) John Tatham, Thomas Gardiner, junr. Andrew Robinson, and Daniel Leeds, to review the place, and according to their judgment and discretion to fix the line of partition between the said counties, the boundaries whereof the persons abovesaid affixed as follows, (viz.) from the fork up the southerly branch of the said creek, to the King's road leading towards Salem, thence northerly along the same road, unto the northern branch of the said creek, thence pursuing the courses of the said creek, so far as the same continues up to the head, thence by a direct course south east to the utmost boundaries of the counties, the bridge upon the northerly branch to belong to Burlington, and that upon the southerly branch to belong to Gloucester.

This Act repealed.

Be it therefore enacted by the Governor, Council and representatives in this Assembly met and assembled, and by the authority of the same, that the boundaries between the counties above named, shall stand as they are above fixed, and recorded, firm and inviolable, from henceforth and forever.

All which acts of this Assembly at their session begun the third of November 1692. and continued until the twelfth of the same month, were by the honourable Governor, Andrew Hamilton, (with the advice of the Council) and by Francis Davenport, Speaker to the House of Representatives, on their behalf, the 11th and 12th days of the aforesaid month November, signed.

And according to order recorded by me Thomas Revell, Secretary, &c.

Province of West New Jersey,
October 3d, 1693, unto 18th of
the same Month.

The Acts and Laws of the Gov-
ernor, Council and Repre-
sentatives for said Province
then made and confirmed.

Chapter I.

An Act for nullifying the last Act for the
Division between Burlington and Glou-
cester Counties.

WHEREAS there has been a great inconveniency seen in
that act passed at our sessions of Assembly held in
November last, for the settling the boundaries between the
counties of Burlington, and Gloucester; *Therefore be it*
enacted by the Governor, Council and representatives, in
this present Assembly met and assembled, and by the au-
thority of the same, that the said act above mentioned,
shall be and is hereby repealed.

Chapter II.

An Act for holding County Courts at
Cape May.

WHEREAS it hath been found expedient to erect Cape
May, into a county, the bounds whereof at the last
session of this Assembly have been ascertained,
and conceiving it also reasonable that the inhab-
itants thereof shall partake of what priviledges (un-
der their circumstances) they are capable, of, with

the rest of the counties in this Province ; and having (upon inquiry) received satisfaction that there is a sufficient number of inhabitants within the said county, to keep and hold a county court in smaller matters relating to civil causes. *Be it enacted* by the Governor, Council and representatives in Assembly met and assembled, and by authority thereof, that the inhabitants of the said county of Cape May, shall and may keep and hold four courts yearly, (viz.) on the third Tuesday of December, and on the third Tuesday of March, on the third Tuesday of June, and on the third Tuesday of September. The first court to begin and beholden on the third Tuesday of December next ensuing: All which courts the justices commissioned and to be commissioned for the said county, shall and may hear and try according to law all civil actions within the said county under the sum of twenty pounds.

Chapter III.

An Act for the Town of Salem.

WHEREAS the town of Salem hath a considerable tract of marsh given them on the account of making a ditch and bank for a road, a landing place and other considerations, whereby they hold the same, for which there hath been several sums of money expended by some particular persons for the performance thereof, whereby others receive the same benefit that have expended none, which if allowed on, will become prejudicial to all therein concerned : And whereas there is absolute necessity, that authority should be given by the General Assembly of this Province, to the inhabitants of the said Town, (not only for the performance of the abovesaid covenants and considerations) but also for the inhabitants of the said town of Salem to make such acts, rules and orders as may conduce to the general good of the inhabitants of the said town, for the making and repairing highways, bridges, wharfs, banks, ditches, and for removing of all publick nuisances, that are destructive to the common weal of the said town. *Be it therefore enacted* by the Governor, and Council, and the representatives of this Province, and

by the authority aforesaid, that yearly and every year within the said town of Salem, there be chosen, by the majority of votes of the freeholders of the said town, some one particular person who by the name of a burgess of the said town, shall have powers, at any time as occasion shall serve, to call the inhabitants of the said town, to meet together in the said town, then and there to make by the majority of votes such acts, rules and orders as they shall think most meet and convenient for the common good of the said town; and that such acts, rules and orders so made, shall be of the same force and validity, as if made by the General Assembly of this Province, (provided there be nothing acted repugnant to the laws of this Province) or prejudicial to the Proprietors of the said place.

Chapter IV.

An Act for erecting a Ferry at Great Egg Harbour.

WHEREAS there has been a complaint made to the House for want of a ferry at Great Egg Harbour, in order to redress which grievance. *Be it hereby enacted* by the Governor, Council and representatives in this present Assembly met and assembled, and by the authority of the same, that the justices of the county of Cape May are hereby impowered to erect and set up a ferry at the said Great Egg Harbour, which person or persons appointed by them for the purpose aforesaid, shall and may exact for the passage of every single person, twelve-pence, and for horses and cattle twelve-pence per head, and for sheep and hogs four-pence per head, and for all manner of grain, two-pence per bushel.

Chapter V.

An Act for the rates of Foreign Coin.

WHEREAS it has been found very inconvenient that money in this Province hath differed in value from the same coin current of our neighbouring Province of Pennsylvania, to prevent

which inconveniency for the future, *Be it enacted* by the Governor, Council and representatives in this Assembly met and assembled, and by the authority of the same, that from and after the publication of this act, all pillar, Mexico and sivil peices of eight of twelve penny weight, shall pass current for six shillings: thirteen penny weight for six shillings and two-pence: fourteen penny weight for six shillings and four-pence: fifteen penny weight for six shillings and six-pence: sixteen penny weight for six shillings and nine-pence: seventeen penny weight for seven shillings: and all half peices of eight of the said coin proportionably: pillar, sivil, and Mexico ryalls, or bitts of ten-pence, and the double proportionally; all dog dollars not clipt, and Perue peices of eight from twelve penny weight and upwards at six shillings per peice; Peru ryalls or single bitts at nine-pence; and the double the same coin proportionably; and all person and persons whatsoever, resident in this Province, or that shall come from remote parts to trade amongst us, shall and are hereby obliged to receive and pay the same, according to the several values above specified, except they plainly bargain to the contrary.

Chapter VI.

An Act for a Court of Appeals.

WHEREAS by experience it hath been found highly inconvenient that hitherto there hath not been established in this Province a Supream Court of Appeals, into which all appeals in law may be made. *Be it therefore enacted* by the Governor, Council and representatives, in this Assembly met and assembled, and by the authority of the same, that from henceforth there be erected constituted and holden a Supreme Court of Appeals at the town of Burlington, twice in every year, (viz.) on the 9th day of the 3d month called May, and the 5th day of October, the first session to be holden the ninth day of the 3d month next ensuing, which court shall have power of hearing and determining all appeals in law from any of the inferior courts in all civil actions of the value of five pounds and upwards, paying

the former court charges, and giving sufficient security to prosecute the action as is usual in such cases of appeal; which court shall have one or more of the justices of each county to sit in it; who together with one or more of the Governor's Council for the time being, shall be judges of the said Supream Court; any three of which, one being of the Council, shall be a quorum for said court: *Provided always*, that upon failure of such justice, or justices in the respective counties appearing in each such court, then any other justice or justices who have not set upon any action to be tryed at the same court, shall and may sit and act in the same court instead of such justice or justices, who shall so fail to appear.

Chapter VII.

An Act for two Fairs Yearly at Salem.

FORASMUCH as it appears necessary and commodious, for the inhabitants within the county of Salem, and for others within this Province, that there be fairs kept and held at Salem, at such days and times as may best suit the inhabitants there and elsewhere in this Province :

Be it enacted by the Governor, Council and representatives in Assembly met and assembled, and by the authority thereof, that there shall be two fairs kept and held in the town of Salem yearly and every year, the first fair to be held yearly upon the first and second days of the third month called May, and the latter fair to be held yearly upon the 20th and 21st days of October; at which respective fairs, all and every person and persons, shall have freedom and liberty to buy and sell all manner of lawful wares, goods and merchandizes, and shall not only be free from arrest on the said fair days, but also two days before and two days after the same, except they shall do or commit any act or acts, against the peace of our Lord, and Lady, the King

and Queen, and except also it be for and concerning any matter or thing contracted or done upon the same fair days.

Chapter VIII.

An Act for preventing Profanation of the Lords Day.

WHEREAS it hath been the practice of all societies of Christian professors to set a part one day in the week for the worship and service of God, and that it hath been and is the antient law of England, (according to the practice of the primitive Christians) to set a part the first day of the week to that end, and finding by experience that the same good practice and law, hath been greatly neglected in this Province, to the grief of such as profess the Christian religion, and to the scandal thereof. *Be it therefore enacted* by the Governor, Council and Representatives in Assembly met and assembled, and by the authority of the same, that if any person or persons, from and after the publication hereof, shall within this Province be found doing any unnecessary servile labour, or shall travel upon the Lord's Day, or first day (except to some religious service or worship, or otherwise in case of necessity) or shall be found tipling, sporting or gaming, thereby profaning the Lord's Day, or first day, shall upon conviction thereof before one justice of the peace, forfeit and pay for every such offence six shillings, and the master or mistress of the house who shall harbour such tiplers, shall also upon conviction thereof as aforesaid, forfeit and pay six shillings to be levied by distress and sale of the offenders goods; and where such distress cannot be found and taken, then to imprison such offender or offenders, until he or they shall pay the same.

Chapter IX.

An Act relating to Fishing.

WHEREAS the whalery in Delaware bay has been in so great a measure invaded by strangers and

foreigners, that the greatest part of oyl and bone, recovered and got by that imploy hath been exported out of the Province, to the great detriment thereof; to obviate which mischief, *Be it enacted* by the Governor, Council and Representatives in this Assembly, met and assembled, and by the authority of the same, that all persons not residing within the precincts of this Province, or the Province of Pennsylvania, who shall kill or bring on shore any whale, or whales within Delaware bay, or elsewhere within the boundaries of this government, shall pay one full and entire tenth of all the oyl and bone made out of the said whale, or whales, unto the present Governor of this Province for the time being.

Chapter X.

An Act for a Court of Oyer and Terminer.

WHEREAS it hath been found a great inconveniency to this Province that a Court of Oyer and Terminer hath not hitherto been established therein for the tryal of capital crimes, by reason whereof such offenders have and may be of great burden and charge to the Province during their imprisonment. *Be it therefore enacted* by the Governor, Council and Representatives in Assembly met and assembled, and by the authority of the same, that there be erected in this Province a Court of Oyer and Terminer, and it is hereby declared to be erected, and that the judge thereof shall be named, commissioned and appointed by the Governor, for the time being, with the advice of the Council; which said judge, assisted by two or more justices of that county where the fact may arise, is impowered to try there such criminals as lay under an accusation for capital offences. *And be it further enacted* by the authority aforesaid, that in case of death or disability of the Governor, that the power of commissionating the judge as aforesaid, shall rest and be vested in the first of the Council, with the advice and consent of a quorum of the same, being any three of the Council.

Chapter XI.

An Act Relating to Lands in Case of Resurvey.

AND for the ease and benefit of the people of this Province who have taken up, settled and possessed lands therein, and the preventing of suits and quarrels, which hereafter may arise in relation to lands, so taken up and possessed. *Be it enacted* by the Governor, Council and representatives in Assembly met and assembled, and by the authority thereof, that in case (upon a resurvey) an overplus of land shall be discovered, the possessor or incumbent shall have liberty to purchase the same, at the rates of land then current: And if the possessor cannot or doth not think fit to make a purchase thereof, then four indifferent men shall be chosen, two by the possessor, and two by the pretender, that hath by good prooffs asserted his claim, and procured the resurvey, to default the overplus, where they shall judge it most equal and just, and may least incommode the improvements and settlement; and in case they cannot agree, then to make a report of the proceedings to the next court to be held for the county in which the land lies; which court shall and may hear and determine the same. *And be it further enacted* by the authority aforesaid, that seven years peaceable possession, shall create and be accounted a good tytle to the possessor thereof, for so much land as he holds, and hath been possessed of by virtue of a good deed, legally executed and recorded.

Chapter XII.

An Act for a Subsidy for Support of the Government.

WHEREAS it is incumbent on all men who live under government, to provide a fund for the honourable support thereof, whereupon also is built the people's happiness and safety. *Be it therefore enacted* by the Governor, Council and representa-

tives in this Assembly met and assembled, and by the authority of the same, that a tax be laid, and is hereby laid upon this Province, to be levied in manner following (viz.) that one penny per acre be laid upon all lands cleared, improved and within fence (meadow excepted) and six-pence upon every hundred acres of surveyed lands unimproved, and upon all neat cattle from one year old and upwards, six-pence per head. And upon every horse and mare, from one year old and upward twelve-pence per head. And upon every hog, or swine that any person shall sell, convey or dispose of, living or dead, from and after the publication of this act, six pence per head. Also all persons that keep sheep, shall pay for each and every sheep one penny. And if any person or persons shall neglect or refuse to pay his or their tax, or shall be found to give in a false account of his or their stock, or land of what kind or sort soever above mentioned (when thereunto required by authority) and the same be proved by two witnesses before one justice of the peace, he, she, or they so offending, shall forfeit and pay for every head of such beast, not given in as aforesaid, the sum of ten shillings; and for every acre of land improved two pence; and for every hundred acres of land unimproved, nine pence; one half thereof to the informer, the other half to be paid into the treasury as part of the said tax, the same to be levied by distress and sale of the offenders goods: And further, that all persons residing in towns or elsewhere, whose estates are not so visible as those whose estates consist of land and stock, shall pay three-pence, for every pound their estates shall be appraised worth; whose estates shall be valued according to the discretion of the assessors that shall be appointed in every township or constabulary within this Province, by virtue of a warrant from the county court, directed to the constable of every precinct, who shall be thereby authorized to warn the inhabitants within his limits on a certain day at some convenient place within his constabulary, there to chuse their assessor, and collectors, and give in an account of their lands and stock as aforesaid. And further that all persons who are free men within this Province, who shall not appear taxable by estate or stock to the

value of six shillings, shall notwithstanding pay six shillings to the said tax : The collectors to pay in the money received by them to the treasurer at Burlington aforesaid, who shall have allowed him for his pains, three pence per pound for receiving and paying the same ; and the collectors shall have for their pains in collecting and gathering in and paying the same to the treasurer, one shilling per pound ; the said tax to be paid in silver money, at or before the tenth day of the second month called April, next ensuing the date hereof : three hundred pounds whereof to be paid by the treasurer to our Governor, Andrew Hamilton, and the overplus (if any be) to remain in the custody of Charles Read, (who is hereby appointed treasurer for the Province) to be disposed of according as our next session of Assembly shall see meet. And whereas there is as yet no court erected in the county of Cape May, the justices for the said county are hereby impowered and commanded to issue forth their warrants to the constables of their precincts in order to raising the tax laid as aforesaid : And further each and every collector are hereby required to bring in a true duplicate of the names and surnames of all the inhabitants within their respective circuit, who come within the compass of this act, and of the sum from them respectively paid to the treasurer, in order to enable him to make a just proof of his account.

Chapter XIII.

An Act for settling the Town of Burlington.

WHEREAS the prosperity and flourishing state of all country's may be chiefly ascribed to the trade and commerce of such towns and corporation therein as by their natural situations are most commodious for that purpose, and not any thing being of greater efficacy to promote trade and business in the said towns then the indult of such privileges as may invite active and ingenious men to resort thither and coinhabit therein, and adventure their stocks and estates upon the issue of Providence in the way of trade. *Be it therefore enacted* by the Governor,

Council and representatives in this present Assembly met and assembled, and by the authority of the same, *And it is hereby enacted* that the actual inhabitants of the town of Burlington, who enjoy the fee simple of a house and land therein, shall hereafter have power to elect yearly on the first fifth day of April, an officer who shall be the chief magistrate of the said town, and shall be stiled the burgess thereof, who with the consent of the majority of the freeholders, inhabiting the said town shall have power to make such laws and orders as they judge may conduce to the promotion and benefit of the said town; and whatsoever laws and orders are so made, ordained and constituted by them (provided they be not repugnant to the laws of the Province) shall have the like force and validity, and be as binding upon all persons that be and inhabit therein, as if the same were interminis, made and confirmed by the authority of the whole Assembly; and the said burgess shall also have power with the consent approbation of the majority of the inhabitants of said town, to appoint always for the year following a recorder, treasurer, and such other subordinate officers as they shall judge needful for the good government, of the said town. And for the avoiding of future strife, and vexatious controversies which hereafter may arise concerning the land and soil of the said town, to the disquiet of the inhabitants and breach of that mutual kindness and love which ought to be exercised among neighbours, and for the asserting unto every man his just right and property therein; *Be it enacted* by the authority aforesaid, *And it is hereby enacted*, that an exact survey of the said town be made and recorded according to those bounds and limits to which nature seems to direct, (viz.) by Delaware river northerly, Assisconck creek easterly, and that run or channel wherein the water ebbs and flows westerly, and southerly, which survey being made as aforesaid, then the streets of the said town shall be laid out in the same places as formerly and no other, to the end that the quantity of the whole, and the quantity of the publick streets deducted out of the whole being known and ascertained, every Proprietor and person interested in proprieties may know the exact proportion and quantity they ought respectively to

enjoy out of the remainder. And to the end likewise that this important affair may be transacted with greater equality and justice to every person concerned therein, the swamp and wet land shall be divided from the fast land, at the discretion of the burgess and five other persons, or the major part of them, two of which shall be chosen by the town, the other three to be appointed by the council of Proprietors for the time being ; and an exact account being taken of the quantity, the same to be divided (as the fast land) into twenty shares or proprieties ; and every Proprietor, and other persons sharing in proprieties, to enjoy therein a proportionable right to that they hold in the town in common : Provided they do engage to bear a proportionable share of the charge for the draining of the said swamp and wet land by their subscriptions, to a paper or instrument drawn up to that effect, upon the first, second or third tender to them thereof ; provided the last tender be not within six days of the first ; and in case of refusal, then the said person and persons so refusing, to forfeit all claim and right in and to the same. (And those at whose charge the work shall be affected to enjoy to themselves, their heirs and assigns, such swamp so forfeited) The paper for subscription shall be drawn up in these words following (*viz.*)

We under written do promise to pay unto the treasurer of the town of Burlington, in current silver money our full proportions respectively of the charge laid out and to be laid out, upon the draining such swamps within and without the said town, as lies contiguous to the boundaries thereof, between Yorkshire bridge, and the mouth of the creek at the western end of the island of Burlington : And in case payment shall not be made by the subscribers accordingly within three months (if resident in the Province) after the work shall be finished, and if non resident then within three months after the same shall be demanded by the treasurer, or some other person by his order, then the person and persons so refusing or neglecting, shall forfeit his or their right and rights, respectively as aforesaid.

And as the draining of the said swamps, about the said

town, will highly conduce to the health, ornament, and advantage thereof, and consequently may prove a great attractive to draw inhabitants to it, so likewise of the clearing of the whole from the stubs and bush.

Be it therefore enacted by the authority aforesaid, that if any of the land so cleared at the charge of the inhabitants, shall thereafter by the respective owner and owners, be indorsed and appropriated, then such owner and owners thereof, shall pay to the treasurer for every such acre twenty shillings, the same to be employed for the publick benefit of the said town, as the persons at whose charge the work was effected, by the major part of their votes, shall agree and consent to, or otherwise such land as shall be so enclosed and appropriated shall and may be again laid open to the common. *And be it further enacted* by the authority aforesaid, that all persons who now, or hereafter shall be in actual possession of any lot or lots within the said town, either by buildings or other improvements thereon made, or by a legal survey recorded, shall and may enjoy what they so have in possession to them, their heirs and assigns for ever: Provided such lot and lots of land, exceed not the due and just proportion of what legally appertains to such person and persons: And in case any thing shall seem herein to be of ambiguous construction within this act, the construction and interpretation which the burgess, with the major part of the inhabitants of the said town, shall declare and put upon the same, shall be vallid and received by all as the true meaning of the same law, and not otherwise: *Provided* nevertheless, that this act shall not extend to compel any person or persons inhabiting or to inhabit within this town, to do and perform any labour or work, or to contribute towards the stubbing and clearing of the fast land therein, other then the highways according to law: *Provided always*, that the burgess and inhabitants of the said town shall not have power to remove the market held in said town, from the present market house and place, without the consent of the General Assembly under any pretence whatsoever.

All which acts of this Assembly at their session begun the third of October 1693. and continued to the eighteenth of the same month, were by the honourable Governor, Andrew Hamilton, (with the advice of the Council) and by Francis Davenport, Speaker to the House of Representatives, on their behalf, the 18th of the aforesaid month of October, signed.

And according to order recorded by me Thomas Revell, Secretary, &c.

Province of West New Jersey May 12th, 1694, adjourned to the 14th of same Month, and continued until 17th of same Month.

The Acts and Laws of the Governor, Council and Representatives for said Province then made and confirmed.

Chapter I.

An Act discouraging Whoredom and Adultery.

WHEREAS amongst other heinous transgressions for which God Almighty afflicts a land, the sin of uncleanness is one of the greatest in the eyes of a pure God; for the suppression and discouragement of which, *Be it enacted* by the Governor, Council and representatives in this present Assembly met and assembled, and by the authority of the same; that what person soever, man or woman,

shall be convicted thereof before any court of record, either by confession of the party, or other evident proofs, such person or persons so convicted (if both parties are unmarried) shall be fined in the sum of five pounds, and if either party is married, in the sum of ten pounds, together with costs of court: And in case of non payment of the fine to be imposed as aforesaid, to receive at the most publick place where the crime shall be adjudged, thirty nine stripes on the bare back if either party is married persons, and if both married, then twenty stripes on the bare back as aforesaid, unless they petition to be sold to serve a certain space of time, at the discretion of the court, to pay the fine and court charges aforesaid: And that the said persons convicted as above, shall be bound in a recognizance to our Sovereign Lord and Lady the King and Queen's Majesty's in the sum of fifty pounds for the good behaviour for the space of a year and a day thereafter.

Chapter II.

An Act for empowering the justices and grand jury to raise County Taxes.

FORASMUCH as the discharge of such services and sums of money as from time to time are needful to be raised and assessed for the laying out of highways, building of bridges, prisons, the repairing of the same, and many other necessary uses, within the respective counties of this Province, it is necessary that the justices of the respective county courts within each county in said Province, with the advice, concurrence and assistance of the grand jury, be empowered to lay and impose such taxes upon their respective counties as shall be needful, by such methods as to them shall seem convenient; *Be it therefore enacted* by the Governor, Council and representatives in Assembly met and assembled, and by the authority of the same, that it shall and may be lawful for the justices of the county courts, or a quorum of them, with the advice, concurrence, and assistance of the grand jury, at their respective quarter courts of session to be holden in this Province, from time to time as need shall require, to lay and impose

such tax or taxes upon their respective counties, as shall seem needful to supply the occasions thereof, and that the said justices with advice, concurrence and assistance of the grand jury aforesaid, shall receive and examine all accounts whatsoever touching the disposing of the said sum or sums of money.

Chapter III.

An Act for Salem County to pay in their former Tax to Peter Fretwell.

WHEREAS the tax heretofore laid upon the freeholders and inhabitants of the county of Salem, at the General Assembly held at Burlington, November 5th, 1685, being the sum of fourscore pounds, and by the then Representatives for the same county in Assembly agreed for their proportion thereof, yet remains unpaid, although every other respective county hath paid and discharged their share of said Provincial tax, by reason of which neglect of said Salem county, the tax aforesaid hath fallen short of answering the end thereof, and thereupon several Provincial debts yet remain undischarged.

Be it therefore enacted by the Governor, Council and Representatives in Assembly met and assembled, and by the authority of the same, that the said tax or sum of fourscore pounds so laid upon the said county, and remaining due, and unpaid by and from the said county, be paid and discharged to Peter Fretwell, at Burlington, (the treasurer of this Province) at or before the first day of November next: In order whereunto, the justices at the next court to be holden at Salem aforesaid, are hereby required to take such legal methods, or appoint such assessors as may be meet for the due and regular assessing and raising the same, upon the several freeholders and inhabitants of Salem county aforesaid.

Chapter IV.

An Act for Table of Fees.

THIS act for the table of fees was to continue for no longer then the end of the next session of Assembly in May 1695 : And another table is at the said Assembly made, and herein after recorded.

Chapter V.

An Act for Boundaries of Burlington County.

BE IT FURTHER ENACTED by the Governor, Council and Representatives in this present Assembly met and assembled, and by authority of the same, that the two distinctions or divisions heretofore called the first and second tenths, be and is hereby laid into one county, named and from henceforth to be called the county of Burlington, the limits whereof bounded with the river Derwent, (formerly called Sunpink) on the north, and the river Crapwell (formerly called Penisawken) on the south.

Chapter VI.

An Act for Boundaries of Gloucester County.

BE IT ENACTED by the Governor, Council and Representatives in this Assembly met and assembled, and by authority of the same ; that the two distinctions or divisions heretofore called the third and fourth tenths, be and is hereby laid into one county, named and from henceforth to be called the county of Gloucester, the limits whereof bounded with the aforesaid river called Crapwell on the north, and the river Berkley, (formerly called Old Man's Creek) on the south.

Chapter VII.

An Act for Boundaries of Salem County.

BE IT FURTHER ENACTED by the Governor, Council and representatives in this Assembly met and assembled, and by the authority of the same, that the jurisdiction of Salem court, shall extend from the aforesaid Berkley river on the north, to the river Tweed, formerly called Back-creek, on the south, and is hereby named and from henceforth called the county of Salem.

Chapter VIII.

An Act relating to unmarked Horses.

BE IT ENACTED by the Governor, Council and representatives in this present Assembly met and assembled, and by authority of the same, that all unmarked horses and mares above the age of thirty months, shall from and after the publication hereof be accounted wild and no other: And it shall and may be lawful for the rangers from time to time within their respective limits or divisions, to take up such horses and mares, and shall give notice thereof by setting up papers in the most public places in three counties of this Province; and that the rangers acquaint one another with a discription of the stray's, and also that they send a like discription to the rangers of the counties of Monmouth, Middlesex, and Essex, in the Province of East Jersey; after which publication the same not being owned within four weeks, shall be appraised by two honest men indifferently to be appointed by the constable of that jurisdiction, and by the order of two justices of that precinct (being also Proprietors) exposed to sale, and the one half of the price thereof to be paid into the hands of the treasurer of the same county, for the use of the Proprietors thereof, and the other half to the rangers. And further if any such horses or mares, or any other cattle which shall be found unmark'd, shall be taken up by the rangers,

and by the sufficient proof of two witnesses within the time limited, before one justice of the peace attested, it shall appear that they belong to the person or persons, claiming the same, if then the owner or owners and rangers cannot agree about the reward, such owner or owners and rangers, shall chuse each of them one indifferent, substantial man of the same county to allot or award the rangers their fee or reward for taking up the same.

Chapter IX.

An Act for Interest of Money, to be after the rate of eight Pounds per Cent.

BE IT FURTHER ENACTED by the Governor, Council and representatives in this present Assembly, met and assembled, and by authority of the same, that what interest shall become due and payable for any sum or sums of money upon any specialty from and after the twenty fifth day of the tenth month next ensuing this session, shall not exceed the sum of eight pounds, for every hundred pounds per annum, and so proportionably for any lesser sum or sums of money; and if any person or persons inhabiting this our Province, shall exact or take more then proportionably, then to and after the rate of eight pounds per cent, per annum, he, she, or they so offending, shall forfeit the principal of their money, the one third part thereof to the informer, and the remaining two third parts to be paid unto the treasurer or treasurers of the Province, for the publick use thereof.

Chapter X. •

An Act for the Inhabitants above St. Pink, to belong to Burlington County for present.

BE IT ENACTED by the Governor, Council and representatives in this Assembly met and assembled, and by the authority of the same, that all

persons inhabiting in this Province above the river Derwent, (being the northern boundary of the county of Burlington) shall belong and be subject to the jurisdiction of the court of Burlington, until further order of the General Assembly.

Chapter XI.

An Act for the Times of chusing Representatives in the several Counties.

WHEREAS at a General Assembly begun and held *Anno* 1683, several days certain were assigned for the respective tenths, to elect and chuse their representatives to serve in General Assembly, and now forasmuch as the aforesaid tenths are laid into counties, and by experience it is found expedient to alter the said days of election; *Be it therefore enacted* by the Governor, Council and representatives in this present Assembly met and assembled, and by the authority of the same, that the freeholders within the county of Burlington, shall yearly and every year meet at the town of Burlington aforesaid on the tenth day of the second month; the freeholders within the county of Gloucester, yearly and every year at the town of Gloucester, upon the thirteenth day of the said month; the freeholders within the county of Salem, yearly and every year on the sixteenth day of the month aforesaid, at the town of Salem; the freeholders of the county of Cape May, yearly and every year at the town of Cape May, upon the sixth day of the said second month; and then and there to chuse for their respective counties to serve in General Assembly as follows, (viz.) for the county of Burlington twenty; for the county of Gloucester twenty; for the county of Salem ten; and for the county of Cape May five, good and sufficient men to serve in General Assembly aforesaid.

Chapter XII.

An Act for Warrants and Precepts for the several Courts to be taken from the Clerk, &c.

BE IT HEREBY ENACTED by the Governor, Council and representatives in this Assembly met and assembled, and by authority of the same, that all writs, summons, attachments, and executions relating to the several courts of judicature in this Province, to be taken out in any civil action of the case, debt, trespass, &c. shall and may be taken from the clerk of the said court wherein the action commenceth, and be signed and sealed by any one justice of the peace belonging to the said court for the time being; and that all such actions which shall be brought to be prosecuted, shall be first entered in the records of the same court.

Chapter XIII.

An Act for regulating Bounds of Cape May County, and for Egg Harbour Inhabitants to belong to Gloucester County.

WHEREAS at a General Assembly begun and held in the month of October, 1692, among other acts, there was entitled an act for the erecting Cape May into a county; in which said act, the bounds of the said county were not distinctly enough described; for the better regulating whereof, *be it therefore enacted* by the Governor, Council and representatives in Assembly met and assembled, and by the authority thereof, that the bounds of Cape May county, shall begin at the mouth of Prince Morris river, from thence to run up the said river so far as the tide flows, from thence to the middlemost great river that runeth into the bay of Great Egg Harbour, so far as the tide flows up the same, and thence down the said river into the said bay, bounded by Egg Har-

bour bay, on the north east, the main ocean on the south east, Delaware bay on the south west, and the said Morris river as aforesaid, on the north west. And forasmuch as there are some families settled upon Egg Harbour, and of right ought to be under some jurisdiction, *Be it enacted* by the authority aforesaid, that the inhabitants of the said Egg Harbour, shall be and belong to the jurisdiction of Gloucester county, to all intents and purposes, till such time as they shall be capable, by a copetent number of inhabitants, to be erected into a county, any former act to the contrary notwithstanding.

All which acts of this Assembly at their session begun the twelfth of May, 1694, and continued to the seventeenth of the same month, were by the honourable Governor, Andrew Hamilton, (with the advice of the Council) and by Francis Davenport, speaker to the House of Representatives, on their behalf, signed 17th May, 1694,

And according to order recorded by me Thomas Revell, Secretary, &c.

Province of West New Jersey, May 12th, 1695, unto 23d of the same Month.

The Acts and Laws of the Governor, Council and Representatives for said Province then made and confirmed.

Chapter I.

An Act for the List of Officers elected.

JUSTICES and other officers elected by the General Assembly sitting in Burlington, this 13th day

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of May, *Anno Dom.* 1685, for the several and respective counties within this Province of West Jersey, for the year next ensuing are.

Justices for Burlington County.

Mahlon Stacy,	John Adams,
Francis Davenport,	Samuel Harriott,
William Biddle,	Peter Fretwell,
John Curtis,	John Hollinshead,
Daniel Wills,	

Sheriff, Thomas Bibb. Clerk and Recorder, Thomas Revell

Coroner. Daniell Wills.

Justices for Gloucester County,

Samuel Spicer,	John Hugg, junr.
Thomas Gardner,	John Rambo,
John Kay,	John Summers,
Andrew Robinson,	

Sheriff. Joseph Tomlinson.

Clerk and Recorder. John Reading.

Coroner. John Wood.

Justices for Salem County.

Jonathan Beere,	Dennis Fisher,
Richard Darkin,	Richard Tindall,
Obadiah Holmes,	Reniere Vanhoist

Sheriff, Thomas Woodroof.

Clerk and Recorder, Samuel Hedge

Coroner. Samuel Hedge.

Justices for Cape May County.

Joseph Houlding,	John Jervis,
Samuel Crawl,	Shamgar Hand,

Sheriff. John Townsend.

Clerk and Recorder. Timothy Brandereth

Coroner. Samuel Mathews.

Chapter II.

An Act for Granting Quietus.

TO prevent abuses that may happen in giving administrators their quietus privately; *Be it enacted* by the Governor, Council, and representatives, in this present Assembly met and assembled, *And it is enacted* by the authority of the same, that from and after the publication hereof, no quietus shall be granted till forty days after the same is demanded, and then a publication thereof be affixed by the clerk of that county in which it is desired, upon the most publick place thereof, that thereby notice may be given to all concerned, that they be present at the giving in the accounts, and may have the freedom to make their reasonable objections; and that a quietus be granted in open court only and not otherwise.

Chapter III.

An Act for Fairs at Cohansey.

FORASMUCH as a considerable number of people are settled on and about Cohansey alias Cæsaria river within the county of Salem, and that fairs being there kept at convenient times or seasons of the year might be very commodious, serviceable and advantageous to the inhabitants there and elsewhere in the Province. *Be it therefore enacted* by the Governor, Council and representatives, in the present Assembly met and assembled, *And it is enacted* by the authority of the same, that there shall be two fairs kept yearly and every year at the town of Greenwich, at Cohansey, alias Cæsaria river aforesaid. The first fair to be kept or held on the 24th and 25th days of April, and the second fair to be held on the 16th and 17th days of October, during which said respective fairs, it shall and may be lawful to and for all persons to buy or sell all manner of lawful goods, wares and merchandizes, and also that all persons shall be free from arrests on the said fair days, and also for two days before, and two days after the said fair days, except it be for the breach of the peace, or for any

matter or thing contracted or done upon the fair days above-said.

Chapter IV.

An Act concerning Swine.

WHEREAS a former law which was made for the paying of such damages that should be done by hoggs or swine, in marsh land, is found in several respects deficient and wanting. And whereas several parts of the Province do suffer much prejudice and damage by the keeping of hoggs or swine to go at large, both in their meadow's English grass, fences, and the like, for the preventing of which inconveniency and damage for the time to come, *Be it enacted* by the Governor, Council and Representatives, in this assembly met and assembled, *And it is enacted* by the authority of the same, that from and after the publication hereof, it shall and may be lawful to and for the inhabitants of every or any precinct, jurisdiction, or township within this Province, and they are hereby impowered and authorized at their several and respective town meetings, to make such acts, orders, agreements, or by-laws for the suppressing, limiting, or restraining the keeping of hoggs or swine at large, within their several and respective precincts, as to the said inhabitants, or the major part of them, shall seem most requisite and necessary for the preventing of the detriment sustained by the keeping of hoggs or swine, in manner aforesaid.

Chapter V.

An Act for the Officers Fees.

BE IT ENACTED by the Governor, Council and Representatives in this Assembly met and assembled, *And it is enacted* by authority of the same, that the table of fees for the officers of this Province shall be as followeth.

Justices Fees.

FOR a warrant of appearance before a justice one shilling. Binding to the good behaviour by recognizance, or to answer in court by appeal, one shilling six pence.

To the bench for an appeal, five shillings.

For each cause tryed, four shillings.

For each cause called and not tryed, two shillings.

A warrant for all causes under forty shillings, one shilling.

For a judgment, one shilling.

For every avercement, one shilling.

To the justices before whom a deed or conveyance is acknowledged, one shilling.

For a hue and cry, one shilling six pence.

For a pass, one shilling.

For a mittimus, two shillings.

To the two justices for granting letters of administration or probate of wills, two shillings.

For granting of licence for selling of drink, five shillings.

Admittance of a guardian in court, one shilling.

The King's attorney for each tryal ten shillings.

The coroner for viewing a dead body, ten shillings.

A warrant to summon the inquest, one shilling.

Entering the verdict of the jury, one shilling.

For return of the same, one shilling.

Calling the jury and giving them their averment, two shillings.

Arresting the sheriff, or any other in his behalf three shillings.

The jury per man, one shilling.

Sheriffs Fees.

FOR serving an arrest or attachment, two shillings.

Bail bond, one shilling.

Serving a summons, one shilling.

For going to serve arrest, attachment or summons, each mile to the place of serving, six pence.

For each criminal put into the sheriffs custody wanting bail, or notailable, two shillings six pence.

Serving executions, if under five pounds, three shillings.

If above fifty pounds, six shillings.

Summoning the jury in each cause and return thereof, two shillings sixpence.

Impannelling the jury in each cause, one shilling.

Return of each writ or summons, nine pence.

Clerk and Recorders Fees.

WRITING a summons, one shilling.

A writ or attachment, one shilling six pence.

Entering the action, one shilling.

Filing the declaration, one shilling.

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Copy thereof per page, nine pence.

Entering the jury and calling the same, one shilling.

Giving the jury their averment, one shilling

Recording the jury and their averment, one shilling six pence.

Each evidence averment, six pence.

Recording their evidence, six pence.

A copy thereof, six pence.

Taking the verdict and recording the same, one shilling.

The copy thereof, six pence.

Writing a subpena, six pence.

Entering judgment and recording the same, one shilling.

Copy thereof, six pence.

Entering and recording a nonsuit, nine pence.

Execution, two shillings.

Copy thereof, one shilling.

Entering and recording a reference, one shilling.

An appeal entering and recording, one shilling.

Withdrawing an action, one shilling.

Drawing an indictment, two shillings six pence.

Copy thereof, one shilling six pence.

Filing an indictment, one shilling.

Arraignment of a criminal, one shilling.

Entering and recording the recognizance, two shillings.

Recording a deed of ordnary, five shillings.

If larger proportionably thereto.

✓ Recording of ear mark's, six pence.

Certificates of marriages, and recording the same three shillings.

For a probate or letter of administration and recording the same, and recording the inventory if under forty pounds, six shillings.

If above forty pounds, ten shillings.

For a bond for administration, one shilling.

Searching the records, one shilling.

Filing the returns of coroner's inquest, one shilling.

Entering of a plea, one shilling.

A quietus, two shillings.

For a licence to an ordnary keeper, two shillings six pence.

A bond for the same, one shilling.

Entering and recording admittance of a guardian, one shilling.

A venire, one shilling.

Every rule or order of court, nine pence.

Reading a petition and endorsing the answer, one shilling.
Entering returns of writs and summons, six pence.

Constables Fees.

FOR serving warrants to them directed, one shilling.
For every mile to the place where served, three pence.

Jurors Fees.

FOR each cause tryed in court per man, one shilling.
For each cause called and not tryed per man, six pence.
The grand jury per man per day, one shilling.
For each witness subpoenaed for each days attendance, two shillings.

Cryers Fees.

NON appearance of each jury man, six pence.
For each cause called in court, six pence.
Calling the jury in each cause, six pence.
Crying any thing lost, six pence.
Non appearance of a witness, six pence.
Door keeper to the House of Representatives per diem, three shillings.
Door keeper to the Governor, and Council per diem three shillings.

Chapter VI.

An Act for recording of Deeds.

WHEREAS there is and hath been great neglect in not having deeds and writings concerning the purchase of lands within this Province entered and recorded as by law appointed, whereby many inconveniencies have already happened, and more controversy, damage and difference will unavoidably grow, arise, and increase for the future, if not timely prevented. Therefore in order to redress and obviate these mischiefs for the time to come, *be it enacted* by the Governor, Council and representatives in this Assembly, met and assembled, *and it is hereby enacted* by the authority of the same, that all deeds and conveyances already made, or to be made, whereby any land is or shall be purchased, held, or claimed within any part of this Province, shall be brought to the respective clerk of each county, there by him to be duly entered and recorded if such deeds and con-

veyances are not recorded already: And all and every person and persons, inhabiting within the several counties of this Province, who shall neglect, deny, or refuse to exhibit or bring into the respective clerk in each county, in which the land is taken up in order to be recorded as abovesaid, all or any of their deeds and conveyances of land already made, within the time or term of six months next after the publication hereof, and all such deed and deeds hereafter to be made, within the space or term of six months next following the executing the said deed or deeds, unless such as live beyond seas, or in foreign parts (who are to have two years time after publication hereof, for deeds already made, and two years next after executing of deeds hereafter to be made for recording their deeds) shall forfeit the sum of twenty shillings for each and every deed so concealed, withheld or kept back, the same to be recovered by due course of law, by the respective clerk of that county where the said deeds or conveyances ought to be recorded, the one half thereof to belong to the said clerk, and the other half to go to the publick treasury, for the service of the respective county where such neglect shall be made.

Chapter VII.

An Act for the further regulating the Affairs of Burlington and Salem.

WHEREAS the late acts for incorporating of the towns of Burlington, and Salem, seem in some particulars not to be full and express enough to answer the end they were designed for, and therefore for the explanation thereof, and supply of such deficiencies, *be it enacted* by the Governor, Council and representatives in this present Assembly met and assembled, *and it is enacted* by authority of the same, that the respective burgess of the said town of Burlington and Salem, for the time being, may and shall within the jurisdiction of the said towns, have as full power and ample authority to hear and determine all causes under forty shillings betwixt the inhabitants of the said towns, as by a late act of As-

sembly is given to any other justice of the peace within this Province, for hearing and determining of such causes. *And be it enacted* by the authority aforesaid, that the respective burgess for the said towns of Burlington and Salem, shall have full power and authority to grant and give licence to all tavern keepers, ordnaries, and ale-house keepers within the said towns of Burlington and Salem, and upon occasion to suppress and take away the same, and that he shall punish all persons convicted before him, and his associates, of all rudeness, profaneness, and vicious practices within the several respective towns aforesaid, *and be it enacted* by and with the authority aforesaid, that in case the burgess, or any other officer or officers elected for the said towns of Burlington and Salem, or either of them, shall happen to dye, or be made incapable to officiate in his or their place respectively, by non residence, distemper of body or otherwise, then in such cases the burgess, or, for default of a burgess, the chief magistrates of the said towns respectively then surviving, may order a town meeting by a new election to supply the want or vacancy of such place or places.

All which acts of this Assembly at their session begun the 12th of May. 1695. and continued unto the 23d of the same month, were by the honourable Governor, Andrew Hamilton (with the advice of the Council) and by Francis Davenport, Speaker to the House of Representatives on their behalf, signed within the said session of Assembly.

And according to order recorded by me Thomas Revell, Secretary, &c.

Province of West New Jersey,
 May 12th, 1696, to 23d of the
 same Month.

The Acts and Laws of the Gov-
 ernor, Council and Repre-
 sentatives for said Province
 then made and confirmed.

CHAPTER I.

An Act for the List of Officers Elected.

JUSTICES of the Peace and other officers elected by the
 General Assembly sitting in Burlington, the 12th day
 of May, Anno Dom. 1696, for the respective counties, within
 the Province of West New Jersey, for the year next en-
 suing are,

Justices for Burlington County.

Mahlon Stacy,	} The Quor.	John Adams,
Frans. Davenport,		Peter Fretwell,
William Biddle,		John Hollingshead,
Daniel Wills,		

Sheriff. Henry Grubb.

Clerk and Recorder. Thomas Bibb.

Coroner. Daniel Wills.

King's Attorney. George Deacon.

Justices for Gloucester County.

Samuel Spicer,	} the Quorum.	John Rambo,
Thomas Gardner,		William Cooper,
John Hugg, junr.		Jonathan Adams,
Andrew Robinson,		

Sheriff. Joshua Lord.

Clerk and Recorder. John Reading.

Coroner. John Wood.

King's Attorney. Joseph Tomlinson.

Justices for Salem County.

Jonathan Beer,	} the Quorum.	John Bacon,
Richard Darkin,		Thomas Woodroofe,
Obadiah Holines,		John Holme,
Reniere Vanhoist,		William Ramsey,

Sheriff. Hugh Middleton.

Clerk, and Recorder, and Coroner. Samuel Hedge.

Justices for Cape May County.

Samuel Crowel,	} the Quorum.	Shamger Hand,
John Jervis,		George Taylor,

Sheriff. John Townsend.

Clerk and Recorder. Timothy Brandreth.

Coroner. Samuel Matthews.

Chapter II.

An Act for regulating the Assize for Bread, for weights and measures, and for Toll at the Mills.

WHEREAS there hath been great abuses and irregularities committed by the bakers in not observing the due assize of bread ; by ordinary keepers and other persons in the use and practice of undue weights and measures ; and also in millers in exacting of unreasonable toll ; for the preventing of which injuries, for the time to come : *Be it enacted* by the Governor, with the advice of his Council, and the consent and agreement, of the Representatives

in this present Assembly met and assembled, *And it is hereby enacted* by the authority of the same, that from and after the publication hereof, no baker within this Province shall bake for sale any other corn but what is good, sound and wholesome, nor make or sell any other weight of bread for one penny then is appointed by the assize following, and so proportionably to any other price then what is herein mentioned : That is to say ; when wheat is at three shillings per bushel, one penny loaf white shall weigh eleven ounce. Wheaten sixteen ounces and three quarters of an ounce. And household twenty two ounces and an half. Wheat at three shillings six-pence the bushel. The penny loaf white shall weigh ten ounces ; wheaten fourteen ounces and three quarters. Household twenty ounces.

At four shillings the bushel, the penny loaf white shall be nine ounces, the wheaten thirteen ounces and an half, and the household eighteen ounces. At four shillings and six-pence the bushel, the penny loaf white shall weigh eight ounces, the wheaten eleven ounces and a quarter, and household sixteen ounces.

At five shillings the bushel, the penny loaf white, seven ounces and an half, the wheaten eleven ounces, and household fifteen ounces.

At five shillings and six pence the bushel, the penny loaf white six ounces and three quarters, the wheaten ten ounces, and the household thirteen ounces and an half.

At six shillings the bushel, the white six ounces, the wheaten nine ounces and an half, and the household twelve ounces and an half.

At six shillings and six pence the bushel, the penny loaf white five ounces and three quarters, the wheaten nine ounces, and household twelve ounces. And where any bread is found wanting of the aforesaid weight, the same shall become forfeit to the use of the poor, and shall be seized by an officer or officers for that purpose appointed by the burgess in each

burrough, or corporation, and by the court in such places where no burgess hath any jurisdiction.

And for the regulation of weights and measures, *be it enacted* by the authority aforesaid, *and it is hereby enacted* by the authority of the same, that all merchants, shopkeepers, innholders, ordinary keepers, and other persons residing within this Province who shall presume to buy or sell by any other weights or measures, either great or small, liquid or dry, then what are answerable and according to the standards of England, upon legal conviction thereof, shall be severely fined by the court, where the same is committed, and all persons shall bring in their weights and measures, in order to be tryed, proved, and sealed, at such times, and to such persons as shall be appointed by the burgess, in each burrough or corporation, and by the court in such places where the burgess hath no jurisdiction, under penalty of being fined at the discretion of the said court, any act or law heretofore made to the contrary hereof in any wise notwithstanding.

And for the rectifying the unreasonable taking of toll; *Be it enacted* by the authority aforesaid, *and it is hereby enacted*, that no miller within this Province from and after the publication hereof, shall for the grinding of any quantity of any manner of corn or grain, more then one tenth part of the same, and if any person or persons shall be found offenders herein, upon complaint made, and the fact being proved before one justice of the peace, upon his certification the next court, the offender shall then and there be fined answerable to the magnitude of the offence, at the discretion of the said court.

Chapter III.

An Act against arresting Freeholders before a Summons.

WHEREAS it hath been found inconvenient to the freeholders of this Province to proceed against them by an arrest before a legal summons be

given, for the preventing whereof, *be it enacted* by the Governor, with advice of Council, and consent and agreement of the representatives in this present Assembly met and assembled, *and it is hereby enacted* by the authority of the same, that from and after the publication hereof, it shall not be lawful for any sheriff, under sheriff, bailiff, or other officer within this Province, by any precept or writ to arrest or imprison the person of any freeholder residing within this Province, upon the commencement of any civil action to be prosecuted against him ; but that such freeholder shall have a lawful summons at least ten days before the respective courts at which he ought to appear, and that there shall be a declaration filed, and a copy thereof ready in the clerk's office for the defendant, ten days before the same court. *Provided always*, that if the person so summoned do not make his appearance at the court to which he is summoned, that then and in that case, judgment shall pass against him by default as in case of non appearance. *Provided also* that in case it manifestly appear to any magistrate, that the person is designing clandestinely to leave the Province, he may be secured by an arrest.

Chapter IV.

An Act for a Bill to qualify Officers who are not free to take an Oath.

WHEREAS some persons out of a principle of conscience have not freedom to take oaths. *Be it enacted* by the Governor, with advice of his Council, and consent and agreement of the representatives in this present assembly met and assembled, *and it is hereby enacted* by the authority of the same, that their not having freedom to take oaths, shall not disable or incapacitate them, for want thereof, to hold or enjoy any office of government within this Province, whether magisterial or ministerial, to which he or they are duly elected, nor exclude him or them from any right or pri-

viledge which any of his Majesty's subjects are capable to enjoy, he or they signing the declaration of fidelity and profession of the Christian faith following (viz.)

I. A. B. do sincerely promise and solemnly declare, that I will be true and faithful to William, King of England, and the government of this Province of West New Jersey, and I do solemnly profess and declare, that I do from my heart abhor, detest and renounce, as impious and heretical, that damnable doctrine and position, that princes excommunicated, or deprived by the Pope, or any authority of the sea of Rome, may be deprived or murdered by their subjects, or any other whatsoever. And I also declare, that no foreign prince, person, prelate, state, or potentate hath, or ought to have, any power, jurisdiction superiority, preheminance, or authority, ecclesiastical or spiritual, within this realm.

THE CHRISTIAN BELIEF.

I. A. B. profess faith in God the Father, and in Jesus Christ, his eternal Son the true God, and in the Holy Spirit one God blessed for ever more; and do acknowledge the Holy Scriptures of the Old and New Testament, to be given by Divine inspiration.

Chapter V.

An Act for raising a Tax.

WHEREAS there seems a necessity for the raising of money for the payment and discharge of several Provincial debts, and the providing of a fund for the support of the present government.

Be it enacted by the Governor, with the advice of Council, and the consent and agreement of the representatives in this present Assembly met and assembled, *And it is hereby enacted* by the authority of the same, that a tax be laid, and is hereby laid upon the Province, to be levied in manner following, (viz.) that one penny per acre be laid and is hereby taxed and laid upon every acre of land

cleared, improved, and within fence, meadow only excepted, and six pence upon every hundred acres of surveyed and unimproved land ; and upon all neat cattle from one year old and upwards six pence per head ; and upon every horse and mare one year old and upwards twelve pence per head ; and for every hog or swine, that any person shall sell, convey, or dispose of living or dead, from and after the publication hereof six pence per head ; and for every sheep one penny per head ; and also all persons keeping or owning of negroes, shall pay for every negro of ten years of age and upwards, two shillings and six pence.

And if any person or persons shall neglect or refuse to pay his or their tax, or shall be found to give in a false account of anything hereby taxable, when lawfully required, and the same be proved by two witnesses before one justice of the peace, shall forfeit and pay for every negro concealed and not given in, the sum of six shillings ; for every head of such beast not given in as abovesaid ten shillings ; and for every acre of land improved two pence, and for every hundred acres of unimproved land nine pence ; the one half thereof to the informer, and the other half to be paid into the treasury as part of the tax, the same to be levied by way of distress and sale of the offenders goods.

And further, that all persons residing in towns or elsewhere, whose estates are not so visible as those estates which consist of lands and stock, shall pay three pence for every pound their estates shall be appraised worth, which shall be valued by the appraisers or assessors that shall be appointed in every township or constablewick within this Province, by a warrant from the county court, directed to the constable of every precinct, who shall be thereby authorized to warn the inhabitants within his limits at a certain day, at some convenient place within his constablewick, to chuse their assessors and collectors, and give in an account of their lands, negroes and stocks as aforesaid.

And further that all persons, who are free men, and not intended servants, of twenty year's of age and upwards within this Province, who shall not ap-

pear taxable by estate or stock to the value of six shillings, shall notwithstanding pay the sum of six shilling to the said tax.

The collectors to pay in the money by them received to the treasurer at Burlington, at or before the second day of February next ensuing, who shall have allowed him for his pains for paying and receiving of the same, the sum of four pence per pound, and the collectors for collecting, gathering and paying in the sum to the treasurer one shilling per pound; the said tax to be paid in current silver money within this Province; of which the sum of two hundred pounds, shall be presented and given to our Governor, Andrew Hamilton, and the overplus (if any be) to remain in the custody of Peter Fretwell, treasurer, appointed for the Province, to be disposed of as the next session of Assembly shall see meet.

And further, that each and every collector are hereby required to bring in a true duplicate of the names and surnames of all the inhabitants within their respective circuit or precinct, who come within the compass of this act, and of the same from them respectively paid to the treasurer, in order to enable him to make a just proof of his account.

All which acts of this Assembly at their session begun the twelfth of May, Anno. 1696, and continued to the twenty third of the same month, were by the honourable Governor, Andrew Hamilton, (with the advice of the Council) and by Francis Davenport, Speaker to the House of Representatives, on their behalf, signed within the said session of Assembly.

And according to order recorded by me Thomas Revell, Secretary, &c.

Province of West New Jersey,
May 12th, 1697, to the 21st of
the same Month.

The Acts and Laws of the Gov-
ernor, Council and Repre-
sentatives for said Province
then made and continued.

Chapter I.

JUSTICES nominated and elected to serve as justices, and
other officers for the respective counties of this Prov-
ince for the year next ensuing, are.

Justices for Burlington County.

Mahlon Stacy,	} Quorum.	John Hollingshead,
Frans. Davenport,		John Adams,
William Biddle,		
Daniel Wills,		
Peter Fretwell,		

Clerk and Recorder of the county of Burlington, and
Court of Appeals, Thomas Bibb.

Sheriff. Samuel Furnis.

Coroner. Daniel Wills.

King's Attorney. Benjamin Wheat.

Justices for Salem County.

Jonathan Beere,	} Quorum.	William Slooby,
Thomas Woodrofe,		John Holme,
Richard Darkin,		John Bacon,
Richard Tindall,		William Butten,

Sheriff. Hugh Middleton.

Clerk and Recorder, Samuel Hedge.

Coroner. John Holme.

King's Attorney Joseph Woodrofe.

Justices for Gloucester County,

Samuel Spicer,	} Quorum.	John Hugg, junr.
Thomas Gardner,		John Rambo,
John Kay,		Jonathan Adams,
Andrew Robinson.		

Sheriff. William Warner.

Clerk and Recorder. John Reading.

Coroner. John Wood.

Kings Attorney. Joseph Tomlinson.

Justices for Cape May County.

George Taylor,	} Quorum.	Jacob Dayton,
John Jervis,		Shangar Hand,
Samuel Crawell,		William Gouldin,

Sheriff. Ezekiel Eldridge.

Clerk and Recorder. Timothy Brandereth.

Coroner. Samuel Mathews.

Chapter II.

An Act for enlarging the Powers and Privileges of Court, for Cape May County.

WHEREAS it is represented to the House of Representatives by sundry of the members of Cape May, that the inhabitants of that county, suffer great inconveniencies by reason that their court is

restricted only to the tryal of all civil causes, not exceeding the value of twenty pounds, pursuant to an act of Assembly made in the month of October, Anno, 1693.

Be it enacted therefore by the Governor with advice of Council, and consent and agreement of the Representatives in the General Free Assembly met and assembled, *and it is hereby enacted* by the authority of the same; that from and after the publication hereof, the said restraint, limitation or restriction shall be removed, absolutely vacated and taken away, and that it shall and may be lawful for the said courts within the county aforesaid, to hear and try all civil causes of any value whatsoever, without any observance of any such restriction, and that the said courts shall and may use and exercise the same liberties, immunities and privileges that have been granted to the rest of the courts within the several counties of this Province; any law, custom or usage whatsoever, to the contrary thereof in any wise notwithstanding.

Chapter III.

An Act for stopping the Tide out of Allaway's Creek.

WHEREAS sundry of the inhabitants in and about Allaway's creek in the county of Salem, have given the House of Representatives to understand, that several thousand acres of marsh might be drain'd, very great improvements made, and considerable advantage accrue by having said creek stopped, and the tide kept out, and by their petition do crave that they by an act of Assembly may be enabled to effect and perform the same.

Therefore be it enacted by the Governor, with advice of his Council, and the consent and agreement of the Representatives in this present Assembly met and assembled, *and it is hereby enacted* by the authority of the same, that it shall and may be lawful to and for the inhabitants, in and

about Allaway's creek, subscribers to the said petition, and they are hereby enabled, impowered and authorized at any time or times after the publication hereof, at some convenient place in the said creek, to erect, build and make such damm's, banks, gates, sluces, and works for the stopping, daming and keeping the tide forth of the said creek, as to them shall seem most expedient, necessary and convenient; and that each and every of the subscribers to the said petition, their heirs and successors shall be obliged to pay his and their respective parts of the charge of erecting and making of the dams, or works abovesaid, and the amending, renewing, maintaining and repairing of the same from time to time, as need shall be and require, proportionable, and according to the number of acres of marsh which each one hath on the creek aforesaid: And also if any other persons besides the present subscribers shall hereafter receive a certain benefit in having their marshes improved, by reason of making the said dam or works abovesaid, they, and each and every of such person or persons, their heirs and successors shall be contributory to the said charge, and pay their proportionable part of the same according to the quantity of their marsh improved in manner as aforesaid.

Chapter IV.

An Act for selling Widow Bassnett's Brewhouse.

WHEREAS the heirs of Richard Bassnet deceased, is not yet of age, and thereby incapable to dispose of lands for the payment of his fathers debts and legacies, and whereas some part of his estate is likely to fall into decay: *Be it enacted* by the Governor, Council and representatives in this General Assembly met and assembled, and by the authority of the same, that the brewhouse upon the river opposite to the said Richard Bassnett's brickhouse, with a convenient part of the wharf next (leaving sufficient wharf or priviledge upon it to accommodate the brick house) be vested in Elizabeth Bassnett, the widow

and executrix of the said Richard Bassnett, in trust for the heir of the said Richard Bassnet, to whom she is to be accountable, with full power to sell and dispose of the same to the best advantage, and the money to be imployed to such uses as is appointed by the will of said Richard Bassnett.

Chapter V.

An Act for a Road to and for Cape May.

WHEREAS the inhabitants of Cape May county do represent themselves as under extreme hardships for want of a road from Cape May, through their county to Cohansey, in order to their repair to Burlington, to attend the publick service: *Be it therefore enacted* by the Governor, with advice of his Council and the consent and agreement of the representatives in General Assembly, met and assembled, *and it is hereby enacted* by the authority of the same, that George Taylor, and John Crafford, be commissioners appointed, and they are hereby appointed and impowered to lay out a road from Cape May the most convenient to lead to Burlington, betwixt this and the tenth day of September next. *And be it further enacted* by the authority aforesaid, that the charge of said road be at present defrayed by the inhabitants of Cape May county until such time as those land through which the road goes are settled, and that the grand jury (upon the report of the commissioners) do, in conjunction with the court, assess the inhabitants of the said county to defray the charge of the said road.

Chapter VI.

An Act for Fairfield elected into a Township.

WHEREAS the peopling of the Province does increase the value thereof, and some encouragement to new settlers is a means to effect the same; *Be it enacted* by the Governor, with the

advice of the Council and representatives, in this present Assembly met and assembled, and by the authority of the same, that the tract of land in Cohansy, purchased by several people lately inhabitants of Fairfield in New England, be from and after the date hereof, erected into a township, and be called Fairfield, which is hereby empowered to the same privileges as any other townships in this Province are or have been, that are not towns incorporate.

All which acts of this Assembly at their session begun the 12th of May. Anno 1697, and continued till the 21st of the same month, were by the honourable Governor, Andrew Hamilton (with the advice of his Council) and by Samuel Jennings, Speaker to the House of Representatives on their behalf, signed within the said session of Assembly.

And according to order recorded by me Thomas Revell, Secretary, &c.

The Acts and Laws of the General Assembly for the Province of West Jersey.

Convened at Burlington, the 4th of November, 1697, then made and confirmed.

Chapter I.

An Act for encouraging the killing wolves and panthers.

IT being seen by daily and detrimetal experience, that the wolves are very destructive to the cattle and creatures of the inhabitants of this Province;

and it is being represented that the panthers are also great destroyers of stock ; and that notwithstanding ways and means have been used, yet none were found sufficient to abate their increase and growth.

Be it therefore enacted by the Governor, and Council with the advice and consent of the representatives in this present Assembly met and assembled, and by the authority of the same ; for the better encouraging any persons to kill and destroy wolves and panthers, that whatsoever Christian shall kill and bring the head of a wolf, of prey, or panther, to any magistrate in any of the counties of this Province, shall receive as a reward twenty shillings of the treasurer of said county ; and if by an Indian or negroe, the said Indian or negroe, shall receive ten shillings after the same manner. *Provided nevertheless* that if the wolf, or panther, shall not be deemed by the magistrate to be a wolf or panther of such growth as to be of prey, then the Christian that shall kill such wolf or panther, shall receive but ten shillings, and the Indian or negroe five shillings, as a sufficient reward.

Chapter II.

An Act for empowering the Trustees of Percivall Towle, to dispose of and sell certain Housing and Land to uses, &c.

WHEREAS by the directions of a quarterly meeting of the people called Quakers in the county of Burlington, divers members of this House did represent unto us the convenience it would be unto them, that an act of Assembly might pass for the enabling of certain trustees appointed by Percivall Towle, in his last will and testament which was then and there read, to sell such houses and lands as are thereby bequeathed to the use of the quarterly meeting of the people called Quakers in the county of Burlington, the said will not giving so full and clear power as may be necessary to make a good title to the

same, and the most valuable part of the said bequest being in houses much out of repair, by reason of which little clear profit doth arise from them, and less is like to be for the future.

Be it therefore enacted by the Governor, and Council with the advice and consent of the representatives in this present Assembly met and assembled, and by the authority of the same, that the trustees of the estate of Percivall Towle, or the major part of them, if they see meet, are hereby made able or enabled to sell and dispose of that part of the estate which is bequeathed to the quarterly meeting of the people called Quakers abovesaid, either entirely or in parts, as to the said trustees, or the major part of them, shall seem most expedient.

Chapter III.

An Act for the peaceable Possession and Enjoyment of the Land at Lessa Point, &c.

WHEREAS Peter Jeyou late of Lessa Point, in the county of Burlington, and Province of West New Jersey, deceased, was by virtue of a grant or permit from Philip Carteret Esq ; then Governor of East and West Jersey formerly called New Cæsaria, seized and possessed of, a certain tract of land on said point (but without mentioning the quantity of acres) he claiming thereby and by his Indian purchase and survey about seventeen hundred acres, and afterwards by deed conveyed the same to Thomas Bowman of same place merchant, and whereas the said Thomas by agreement, advice and consent of the General Assembly, then likewise Proprietors of said Province, did accept to restrict himself and take up two hundred acres of land on said point in lieu of his claim to the said whole tract of seventeen hundred acres by him purchased of said Jeyou as aforesaid, and thereby relinquish'd all claim to the remaining part of seventeen hundred acres ; and by advice aforesaid, did survey and take up the said two hundred acres, accord-

ing to the rules and methods prescribed by the commissioners in that behalf appointed, and accordingly was published in open court and recorded, and by virtue thereof he and his assigns quietly and peaceably, for many years have enjoyed the same: And whereas the said Bowman by deed conveyed one hundred acres of said land to Edward Hunlock, of Burlington, in said Province merchant; and the said Hunlock, obtaining a verdict and judgment in an action of debt against said Bowman, and other effects in the said Province being not to be found, the aforesaid other one hundred acres of land of said Bowman on said point, was taken in execution, and by the sheriff of said county was sold and conveyed to said Hunlock, towards payment of his said debt, according to the laws of said Province in that case made and provided, by virtue whereof the said Hunlock, for several years peaceably and quietly held and enjoyed the said two hundred acres of land on Lessa Point, and afterwards conveyed the same with other land adjoining thereto (unto which he had an indubitable right) unto John Joosten, and John Hammell, their heirs and assigns, and notwithstanding the premisses, and an act of Assembly, whereby it is provided that seven years quiet possession shall make and confirm an undoubted right, some persons by pretended claims, have disturbed said Joosten, and Hammell in their lawful and quiet possession of the said land and premisses; the verity of all which being made appear to this house by several eminent members thereof. *Be it therefore enacted* by the Governor, Council and representatives in this present Assembly met and assembled, *And it is hereby enacted* and declared by the authority of the same, that the said John Joosten, and John Hammell, their heirs and assigns, shall and may forever hereafter peaceably and quietly have, hold, possess and enjoy the same two hundred acres of land, with all the buildings and improvements therein made and being, and that from hence forward all such claims as have or may be made hereafter by any person or persons to the same, or any part thereof, shall from henceforth cease, become null, void, and of none effect, and it is hereby, and by virtue of this act, declared to cease, and be null, void and of none effect to all intents and purposes whatsoever.

Chapter IV.

An Act for the Tax.

BEING sensible of the many great services done by our present Governor, Coll. Andrew Hamilton, since his accession to the administration of the government in this Province, and taking also into our consideration the great charge that must attend any person in that post, and how little hath yet been done by us answerable to his merit and station, we find ourselves obliged in point of gratitude, and in testimony of our affection to him, and as a demonstration thereof, to offer as is hereafter expressed, and pray our Governor's acceptance thereof from a poor people, whose good will and regard to him is not to be measured by the value of our offering, but integrity of the offerers: *Be it enacted* by the Governor, with the advice of Council, and the consent and agreement of the representatives in this present Assembly met and assembled, *and it is hereby enacted* by the authority of the same, that a tax be laid and is hereby laid upon the Province to be levied in manner following, one halfpenny per acre be laid, and is hereby taxed and laid upon every acre of land cleared, improved and within fence, meadow only excepted, and three pence upon every hundred acres of surveyed and unimproved land ; and upon all neat cattle from one year old and upwards three pence per head ; and upon every horse and mare one year old and upwards six pence per head ; and for every hog or swine, that any person shall sell, convey, or dispose of living or dead, from and after the publication hereof three pence ; and for every sheep one halfpenny per head ; and also all persons keeping or owning of negroes, shall pay for every negro of ten years of age and upwards, one shilling and three pence. And if any person or persons shall neglect or refuse to pay his or their tax, or shall be found to give in a false account of any thing hereby taxable, when lawfully required, and the same be proved by two witnesses before one justice of the peace, shall forfeit and pay for every negro concealed or not given in, the sum of three shillings ; for every head of such beast not

given in as aforesaid five shillings ; and for every acre of land improved one penny, and for every hundred acres of unimproved land four pence halfpenny ; the one half thereof to the informer, and the other half to be paid into the treasury as part of the tax, the same to be levied by way of distress and sale of the offenders goods. And further, that all persons residing in towns and elsewhere, whose estates are not so visible as those estates which consist of lands and stock, shall pay one penny halfpenny for every pound their estates shall be appraised worth, which shall be valued by the appraisers or assessors that shall be appointed in every township or constablewick within this Province, by a warrant from the county court, directed to the constable of every precinct, who shall be thereby authorized to warn the inhabitants within his limits at a certain day, at some convenient place within his constablewick, to chuse their assessors and collectors, and give in an account of their lands, negroes and stocks as abovesaid. And further that all persons, who are free men, and not indented servants, of twenty year's of age and upwards within this Province, who shall not appear taxable by estate or stock to the value of three shillings, shall notwithstanding pay the sum of three shillings to the said tax. The collectors to pay in the money by them received to the treasurer at Burlington, at or before the first day of May next ensuing, who shall have allowed him for his pains for receiving and paying of the same, the sum of sixpence per pound, and the collectors for collecting, gathering and paying in the sum to the treasurer one shilling per pound ; the said tax to be paid in current silver money within this Province ; of which the sum of two hundred pounds, shall be presented and given to our Governor, Andrew Hamilton, and the overplus (if any be) to remain in the custody of Peter Fretwell, treasurer, appointed for the Province, to be disposed of as the next session of Assembly shall see meet. *Provided* that the treasurer do forthwith after confirmation hereof, pay or cause to be paid to our said Governor, the sum of fifty pounds, as part of the said two hundred pounds so to be raised, presented and given. And further, that each collector are hereby required to bring in a true duplicate of the names

and sir-names of all the inhabitants within their respective precinct, who come within the compass of this act, and of the same from them respectively paid to the treasurer, in order to enable him to make a just proof of his account.

All which acts of the General Assembly at their session convened at Burlington, November 4th 1697, and ending the 13th of the same month, were by the honourable Governor Andrew Hamilton, (with the advice of his Council) and by Samuel Jenings, speaker to the House of Representatives, on their behalf, signed within the said session of Assembly.

And according to order recorded by me Thomas Revell, Secretary, &c.

Province of West New Jersey,
December 20th, 1699, to the
first Day of January follow-
ing.

The Acts and Laws of the Gov-
ernor, Council and Repre-
sentatives for said Province
then made and confirmed.

The Hon. Col. ANDREW HAMILTON, Governor.

Chapter I.

An Act for Provincial judges.

WHEREAS at a General Assembly begun and held at Burlington, the third day of October, 1693, and continued by several adjournments unto the

eighteenth day of the same, among other acts *it was enacted*, that a supream court of appeals be erected, into which all appeals in law might be made. And forasmuch as by experience it hath been found, that the said court, hath not answered the good ends thereby intended, for remedy whereof, *be it enacted* by the Governor, with the advice of his Council and with the consent and agreement of the House of Representatives, and by the authority of the same, *and it is hereby enacted* that from henceforward their shall be yearly chosen by the House of Representatives for this Province, three circular judges to be added to the list of officers presented annually to the Governor, for his approbation and commission, two of which judges with one or more of the justices of each county, or in default of such justices in their respective counties, any other justices who have not sat upon the action to be tryed in the same court, shall and may sit and act therein; any three of which justices, in conjunction with two or more of the said judges shall be a quorum for the said court, and shall have power to try all criminal causes as well as civil that shall happen to be depending at any time in any of the counties where the said provincial court shall be held in course, without any special commission; and the judges and other officers shall and may lawfully demand and receive double the fees as by law allowed in the county courts. *And be it further enacted* by the authority aforesaid, that the said provincial court, or court of appeals, shall be held twice every year in each county at the times and under the restrictions and limitations, following, that is to say, at Burlington the eleventh day of the second month called April, and the eleventh day of the eighth month called October. At Gloucester the fourteenth day of the second month called April, and the fourteenth of the eighth month called October. At Salem, the seventeenth of the second month called April, and the seventeenth of the eighth month called October. At Cape May, the twentieth of the second month called April, and the twentieth of the eighth month called October, in case an information be given by the clerk of the county court, twenty days before the time of setting of the court in course, to the clerk of the

Provincial court, which clerk shall be chosen by the said judges or the major part of them, and when chosen shall by order from them make it known to the clerk of each county court, that any business proper for recognizance of the said Provincial court is depending, then and not otherwise shall the said court be held at the times aforesaid. But in case it should so happen upon any sudden immergency that there should be any occasion for the Governor, or in his absence for the Council, to grant any special commission of Oyer and Terminer, *it is hereby enacted* by the authority aforesaid, that such commission shall be given to some one or more of the judges elected as aforesaid, and not otherwise; any law, usage or custom to the contrary in any wise notwithstanding.

Be it further enacted by the authority aforesaid, that such person or persons as shall see fit to appeal to the said Superior Court of Appeals, shall assign errors why the judgment of the inferior court ought to be reversed, and lodge the same with the clerk of the said court twenty days before the sitting thereof, that the appellant may have a copy thereof if he desires it; and in case no errors be assigned and lodged as aforesaid, that the appelland shall loose the benefit of his appeal, and the judgment given against such person or persons in the inferior court be executed. *And be it also enacted* by the authority aforesaid, that the judges of the said court shall in civil causes take only cognizance whether the errors assigned be sufficient to reverse the judgment, and if they be found not sufficient to reverse the same, then to affirm the judgment of the inferior court, and the appellant to pay cost of suit. *And be it also enacted* by the authority aforesaid, that an appeal shall lye from the said Provincial court to the General Assembly of this Province in case the debt or damage, amount to the sum of twenty pounds, where a final division shall be, unless an appeal be demanded from the General Assembly to England, in which case the appelland shall find sufficient security to prosecute the said appeal

within the space of eighteen months, and shall pay the costs of court, from which they appeal, and abide the judgment of the said court till it be reversed. *And be it also enacted*, that no appeal shall lye from the inferior court, or quarterly sessions, where the action is for a less sum than ten pounds.

Chapter II.

An Act for Officers.

A LIST of persons nominated by the General Assembly of representatives to serve as justices and other officers for the county of Burlington, (viz.)

Justices.

Mahlon Stacy,	} Quorum.	Ralph Hunt,
Francis Davenport,		Joshua Newbold,
Peter Fretwell,		John Wills,
William Biddle,		John Adams,
Thomas Lambert,		Elias Toy,

Edward Hunlock, Clerk and Recorder.

Joseph Cross, Sheriff.

John Wills, Coroner.

Thomas Gardner, King's Attorney

Justices for Gloucester County,

Thomas Gardner,	} Quorum.	John Cahaen,
John Hugg, junr.		James Whiteall,
Andrew Robinson,		Jonathan Adams,
Philip Paul,		

William Warner, Sheriff.

John Wood, Coroner.

John Reading, Clerk and Recorder.

Justices for Salem County.

Thomas Woodroofe,	} Quorum.	Denis Fisher,
Jonathan Beer,		Walter Hughstis,
William Hall of Salem,		William Slooby,
John Bacon,		Joseph Sears,
John Thomson,		

Samuel Hedge, Clerk and Recorder.

Hugh Middleton, Sheriff.

Benjamin Knapton, Jonathan Craling, Coroner.

Justices for Cape May County.

Samuel Crowel,	} Quorum.	William Golding,
Shamger Hand,		Samuel Mathews,
Jacob Dayton,		John Townsend,

Ezekiel Eldridge, Sheriff.

Timothy Brandereth, Clerk and Recorder.

Joseph Whilden Coroner.

Francis Davenport, Edward Hunlock, Jonathan Beer,
Provincial Judges.

Peter Frettwell, Provincial Treasurer.

Chapter III.

An Act for restricting the Number of Representatives.

WHEREAS it hath been the custom and practice of this Province formerly to choose ten representatives for each tenth to serve in the Provincial Assembly, which was according to the tenor of the Concessions, and afterwards it was found necessary to distinguish the most inhabited parts and tenths of the said Province by counties; and accordingly in the year 1694, they were erected into counties by act of Assembly, that is two tenths allotted and laid together for Burlington, two tenths for Gloucester, and

one reputed tenth for Salem county ; and each county limited to the following members of representatives, that is to say the county of Burlington twenty ; the county of Gloucester twenty ; the county of Salem ten, and Cape May five. But it being considered by the House of Representatives, that so great a number as was then allowed to each county was superfluous, unnecessary and burthensome, the House thereupon thought fit to reduce the said number.

Be it therefore enacted, and it is hereby enacted by the Governor, with advice of Council, with the consent and agreement of the House of Representatives, that from henceforward in each county of this Province on their election days established, there be chosen as members, to serve in the General Assembly, the members following. For Burlington county ten, for Gloucester county ten, for Salem county five, and for Cape May county three, all sufficient freeholders and no more ; any law, custom or usage of this Province to the contrary notwithstanding.

All which acts of the General Assembly at their session convened at Burlington, December 20th 1699, and ending the first day of January next following, were by the honourable Colonel Andrew Hamilton Governor, (with advice of his Council) and by Samuel Jennings, Speaker to the House of Representatives and on their behalf signed in their session of Assembly.

And by order recorded by me Edward Hunlock, Recorder.

Province of West Jersey, May
12th, 1700, to the 25th, same
Month.

The Acts and Laws of the Governor,
Council and Representatives of the
said Province then made and con-
firmed.

The Hon. Col. ANDREW HAMILTON, Governor.

Chapter I.

An Act for justices.

JUSTICES and other officers elected by the General Free
Assembly sitting in Burlington, this 14th day of May,
Anno Domini, 1700, for the several and respective counties
within this Province of West Jersey, for the year next en-
suing are.

Justices for Burlington County.

Mahlon Stacy,	} Quorum.	Joshua Newbold,
Francis Davenport,		Richard Redgway,
Peter Frettwell,		Robert Wheeler,
William Biddle,		John Wills,
Thomas Lambert,		John Adams,
Joshua Ely,		Elias Toy,

Christopher Wetherill, Sheriff.

John Wills, Coroner.

Edward Hunloke, Clerk and Recorder.

John Wood, Coroner.

Thomas Gardner, King's Attorney.

570 Laws passed in West Jersey.

Justices for Gloucester County.

Thomas Gardner,	} Quorum.	Thomas Sharp,
John Kay,		Philip Paul,
Andrew Robinson,		William Warner,
John Kaighin,		John Summers,
John Hugg, junr.		

Matthew Medcalf, Sheriff.

John Reading, Clerk and Recorder.

John Wood, Coroner.

Joseph Tomlinson, Kings Attorney.

Justices for Salem County.

Jonathan Beer,	} Quorum.	Joseph Brown,
Richard Darkin,		Edward Godwin,
William Hall,		Thomas Woodroofe,
William Slooby,		Benjamin Acton,
John Bacon,		Dennis Fisher,

William Griffin, Sheriff,

Samuel Hedge, Clerk and Recorder.

Benjamin Knapton, Jonathan Walling, Coroners.

Justices for Cape May County.

Shamgar Hand,	} Quorum.	Samuel Mathews,
John Townsend,		Thomas Stanford,
Jacob Dayton,		William Mason,

Edmund Howel, Sheriff.

Timothy Brandreth, Clerk and Recorder.

Jonathan Osbourn, Coroner.

John Crawford, King's Attorney.

Francis Davenport, Edward Hunlock, Jonathan Beer,
Provincial judges.

Peter Frettwell, Provincial Treasurer.

Chapter II.

An Act for advancing Sheriffs and Cryers Fees.

FORASMUCH as it is signified to the House of Representatives, that the fees (allowed by the law) to the sheriff and cryer, are too inconsiderable and small, and that thereby it proves prejudicial and burthensome to the persons serving in those offices, for remedy whereof, and as encouragement to them who shall officiate in those capacity's for the time to come, *be it enacted* by the Governor, with advice of his Council, and the consent and agreement of the representatives in General Free Assembly met and assembled. *And it is hereby enacted* by the authority of the same, that from and after the publication hereof, it shall and may be lawful to and for each sheriff and cryer within the respective counties of this Province to demand and receive as their proper fees and salary in the office abovesaid, in manner as is hereby provided, allowed and given, any law, usage or custom whatsoever to the contrary thereof in any wise notwithstanding.

The Sheriff.

FOR serving an arrest, three shillings.
For an attachment above forty shillings, two shillings six-pence.

A bail bond, one shilling.

Serving a summons, one shilling.

For going to serve an arrest, attachment, execution or summons, each mile to the place of serving, six pence.

For each person put into the sheriffs custody, wanting bail, or not bailable, three shillings.

For serving an execution for five pounds, or any sum under, four shillings.

If above five pounds, and not exceeding the sum of twenty ponnnds, six shillings.

And for any sum above twenty pounds, four pence per pound.

For summoning of the jury in each cause tryed and return thereof, five shillings.

Impannelling the jury in each cause, return of each writ or summons, ten pence.

Summoning of the grand jury, six shillings.

The Cryer.

FOR non appearance of each jury man, six pence.

For each cause called in court, ten pence.

For calling the jury in each cause, ten pence.

For crying of any thing lost, ten pence.

For each nonsuit entered, ten pence.

For each person cleared per proclamation, ten pence.

Chapter III.

An Act about provincial judges.

FORASMUCH as there was a provincial court, or court of appeals, with its proper officers erected and established by act of Assembly made at the last sessions held the 20th day of December, *Anno Dom.* 1699, wherein no suitable methods are taken for the sufficient defraying of the judges and other officers expence and charge, therefore in order to supply that defect, and that the judges and other officers may be encouraged to discharge their several and respective trusts according to the tenor of that law. *Be it enacted* by the Governor, with advice of his Council, and consent and agreement of the representatives in this General Free Assembly met and assembled, *and it is hereby enacted* by the authority of the same, that the respective sheriff of each county within this Province (accompanied with one other man at the least) shall meet the provincial judges and other officers (when riding the circuit) at the verge of his county, and then shall attend, accompany and safely conduct through his balifwick to the place of their sitting, or in case of further travel, to the entrance of the next county, where the sheriff thereof shall likewise receive and conduct them in manner aforesaid. *And be it enacted, and it is hereby enacted* by the authority aforesaid, that the sheriff of each county shall from time to time deposit and defray all the necessary and incidental travelling charges of the judges and other officers whilst in their respective counties, which said charges

shall be reimbursed the sheriff by the Provincial treasurer. *And be it further enacted, and it is hereby enacted* by the authority aforesaid, that the said judges shall and may receive six shillings per man for each cause, civil or criminal, and the justices sitting the said court for each cause twelve shillings over and above the double fees already established by law ; in causes civil to be paid by the appellant as costs of suit, and in criminal causes by the offender himself if able, and in case of non ability then to be defrayed by the respective county where the cause ariseth. And the like care and attendance shall be given by the sheriff to the said judges and officers, at their return, as their was at their entrance into each county as aforesaid ; and in case the sheriff shall make one default, or failure in any of the services enjoined him by this act, he shall be fined or punished for his neglect at the discretion of the Provincial judges.

Chapter IV.

An Act against Burglary.

WHEREAS hitherto the laws of this Province have made no provision for the punishment of burglary, or of such person or persons who shall break into houses.

Be it enacted by the Governor, with the advice of his Council, and with the consent and agreement of the representatives in this General Assembly met and assembled, *and it is hereby enacted* by the authority of the same, that from and after the publication hereof, any person or persons that shall break into any house, out-house, or barn, in the day time or in the night, and shall steal any goods or merchandize to the value of one shilling or upwards, upon being convicted thereof, shall (besides the making of restitution of four fold) according to the law of this Province (formerly directed) for the first offence receive thirty nine stripes upon the bare back, and being convicted the second time shall have burnt with a hot iron upon his, her or their forehead a Roman T

added to the above punishment ; and being convicted the third time shall be burned with a hot iron in the cheek with the Roman letter T, suffer a twelve months close imprisonment, and be kept to hard labour, only having a sufficiency of diet, and corrected by being whipt with thirty nine stripes on the bare back, once in every month during the said term of one year. *Provided always*, and it is hereby provided, that after the conviction of the first fault, if the offender beg transportation, the judges or justices of the Supreme Court, shall or may allow it him or her. *Provided nevertheless* if they shall return into this Province for the space of seven years next after they have beg'd transportation, upon being apprehended they shall not only make restitution fourfold, but as often as they return in the said term of seven years, they shall receive thirty nine stripes as aforesaid, and likewise be branded on the forehead with the Roman letter T.

Chapter V.

An Act for the Inhabitants below Salem, to be at present under Salem jurisdiction.

BE IT ENACTED by the Governor, with advice of his Council, and the consent and agreement of the House of Representatives in the General Free Assembly met and assembled, *and it is hereby enacted* by the authority of the same, that all persons inhabiting on the River Tweed, being the lower bounds of Salem county, and all settlements below unto the bounds of the county of Cape May, shall from hence forth be annex'd to, and be subject to the jurisdiction of the court and county of Salem, until it shall be otherwise ordered by the General Free Assembly of this Province.

Chapter VI.

An Act for laying a Tax.

WHEREAS it appears to the House of Representatives, that there is a present necessity for the

raising of money, as well towards an honourable support of government, as to defray several Provincial debts already contracted, in consideration whereof the House of Representatives do pray that it be *enacted*: *Be it therefore enacted* by the Governor, with the advice of his Council, and the consent and agreement of the representatives in this present assembly met and assembled, *And it is hereby enacted* by the authority of the same, that a tax be laid, and is hereby laid upon the Province to be levied in manner following, (viz.) that one penny per acre be laid, and is hereby taxed and laid upon every acre of land cleared, improved and within fence, (meadow only excepted) and eight pence upon every hundred acres of surveyed and unimproved land; and upon all neat cattle from one year old and upwards eight pence per head; and upon every horse and mare of one year old and upwards one shilling and four pence per head; and for sheep one penny halfpenny per head; and for every hog or swine, that any person shall sell, convey, or dispose of living or dead, from and after the publication hereof eight pence per head. And if any person or persons shall neglect or refuse to pay his or their tax, or shall be found to give in a false account of any thing here by taxable when lawfully required, and the same be proved by two witnesses before one justice of the peace, shall forfeit and pay for every head of such beast, hog or swine, not given in as abovesaid, the sum of ten shillings; and for every acre of land improved two pence; and for every hundred acres of land unimproved one shilling; the one half thereof to the informer, and the other half to be paid into the treasury as part of the tax. And further, that all persons residing in towns or elsewhere, whose estates are not so visible as those estates which consist of lands and stock, shall pay four pence for every pound their estates shall be appraised worth, which shall be valued by the appraisers or assessors that shall be appointed in every township or constablewick within this Province, by a warrant from the county court, directed to the constable of every precinct, who shall thereby be authorized to warn the inhabitants within his limits at a certain day, at some convenient place within his constablewick, to chuse their assessors and collec-

tors, and give in an account of their lands, and stocks as abovesaid. And further that all persons, who are free men, and indented servants, of twenty year's of age and upwards within this Province, who shall not appear taxable by estate or stock to the value of six shillings, shall notwithstanding pay the sum of six shillings to the said tax. The collectors to pay in the money by them received to the Provincial treasurer at Burlington, at or before the second day of February next ensuing, who shall have allowed him for his pains for receiving and paying of the same, the sum of four pence per pound, and the collectors for collecting, gathering and paying in the same to the treasurer one shilling per pound; the said tax to be paid in current silver money within this Province; of which the sum of three hundred pounds, shall be presented and given to our Governor, Col. Andrew Hamilton, in token of our good will and affection towards him, humbly praying his acceptance thereof, and the overplus (if any be) to remain in the custody of Peter Fretwell, treasurer, appointed for the Province, to be disposed of as the General Free Assembly shall see meet. And further, that each and every collector are hereby required to bring in true duplicate of the names and surnames of all the inhabitants within their respective circuit or precinct, who come within the compass of this act, and of the sum from them respectfully paid to the treasurer, in order to enable him to make a just proof of his accounts.

Chapter VII.

An Act for enabling the Executrix of Richard Bassnett to dispose of some of his real Estate.

WHEREAS the heir of Richard Bassnett deceased, is not at age, and thereby incapable to dispose of lands, for the payment of his fathers debts and legacies.

Be it enacted by the Governor, with the advice of his Council, and by and with the consent and agreement, of the representatives in this Gene-

ral Free Assembly met and assembled, *and it is hereby enacted* by the authority of the same, that any part of the real estate of the said Richard Bassnett, to the value of five hundred pounds current money of this Province, be vested and is hereby vested in Elizabeth Bassnett, widow and executrix of the said Richard Bassnett, in trust for the heir of the said defunct, to defray the debts and legacies hereafter mentioned, (viz.) to the children of William Hampton deceased, three hundred pounds, to Samuel Carpenter, one hundred pounds, and to Elizabeth Dell, daughter of the said Richard Bassnett, one hundred pounds. *Provided always*, and it is hereby provided, that the said Elizabeth Bassnett, shall find sufficient security, that Sarah and Thomas Hampton shall when they are at age, or their portion become due to them according to a contract of marriage betwixt the said Richard Bassnett and Elizabeth, and afterwards his wife, renounce all their pretences to their father William Hampton's estate, or that the money be repaid with interest, and also what Elizabeth Bassnett has or shall charge for their maintainance and schooling. And provided also, that Elizabeth Hampton that is now at age, shall also renounce her pretence to her said father Hampton's estate, with full power and authority to the said Elizabeth Bassnett, and she is hereby authorized to dispose, sell and alienate any part of the said real estate in West New Jersey, (to the value above-said) to the best advantage, and firm or lawful conveyances and assurances thereof to make, seal and execute to such person or persons which shall purchase the same, and the money thereby raised to be employed to such uses as is appointed by the will of the said Richard Bassnett.

All which acts of the General Assembly at their session convened at Burlington, the 12th day of May, Anno Dom. 1700, and ending the 25th day of the same month, were by the honourable Col. Andrew Hamilton, Governor, (with the advice of his Council) and by Samuel Jenings, Speaker of the House of Representatives, and on their behalf, passed and signed in their session of Assembly.

And by their order recorded by me

EDWARD HUNLOCKE, Clerk Council.

Province of West New Jersey,
May 12th, 1701 to the 21st.
same Month.

The Acts and Laws of the Governor,
Council and Representatives for the
said Province then made and confirmed.

The Hon. Col. ANDREW HAMILTON, Governor.

Chapter I.

An Act to enable John Hilliard, to dispose of 100 Acres of Land.

WHEREAS John Hilliard, by deed from Barnard Devonish, became vested in one hundred acres of land situate at and near Northampton river, in the county of Burlington, to the use of himself and wife, and the survivor of them, and to the heirs of their two bodies lawfully begotten, or to be begotten, and for want of such issue then to the use of the said John Hilliard, his heirs and assigns for ever. And whereas the said John Hilliard, by petition hath signified to this Assembly, that the said land is so greatly discommodated by so many and such various inconveniencies attending the same, that there can be no considerable advantage made thereof, nor the chief end of the donour answered thereby, and that the holding of the same, (instead of a benefit) would prove to the present possessors of great detriment and prejudice, and thereupon prays to be enabled by a law to sell the same.

Therefore be it enacted by the Governor, with advice of the Council, and the consent and agreement of the House of Representatives in this

present Assembly met and assembled, *and it is hereby enacted* by the authority of the same, that the said John Hilliard, be enabled and authorized, and he is hereby fully enabled, empowered and authorized to dispose, sell and alienate all or any part of the said one hundred acres of land, and firm conveyances and assurances thereof, to make, seal and execute, with all other solemnities requisite, to such person or persons who shall purchase the same. *Provided and it is hereby provided and enacted* by the authority aforesaid, that the said John Hilliard, some time before the alienation of the said one hundred acres, in lieu and place thereof, do and shall procure a good right to one hundred and fifty acres of land in some more commodious place, and cause himself to stand lawfully seized thereof, to the several and respective uses abovementioned only, and that he hold the same to no other use, intent or purpose whatsoever.

Chapter II.

An Act for List of Officers.

A LIST of officers nominated and elected by the General Free Assembly to serve in the respective counties within this Province of West Jersey for the year ensuing, (viz.)

Justices for Burlington County.

Mahlon Stacy,	} Quorum.	Richard Ridgway,
Francis Davenport,		Samuel Furnis,
William Biddle,		Michael Newbold,
Thomas Gardiner,		John Adams,
William Emley,		Joshua Ely,
John Wills,		

Isaac Marriot, Sheriff.

Edward Hunlock, Clerk and Recorder.

John Wills, Coroner.

Thomas Gardner, King's Attorney

Justices for Gloucester County.

Thomas Gardner,	} Quorum.	Philip Paul,
Andrew Robinson,		John Hugg, junr.
John Key,		William Warner,
John Kaighin,		John Somers,

Matthew Medcalfe, Sheriff,

John Reading, Clerk and Recorder.

Joseph Cooper, Coroner.

John Wood, King's Attorney.

Justices for Salem County.

Jonathan Beer,	} Quorum.	Joseph Sears,
William Hall of Salem,		Hugh Middleton,
John Bacon,		Walter Hughstis,
Joseph Woodrooff		Benjamin Bacon,

William Griffin, Sheriff.

Samuel Hedge, Clerk and Recorder.

Benjamin Knapton, Joseph Eastland, Coroners.

Joseph Woodroof, King's Attorney.

Justices for Cape May County.

Shamger Hand,	} Quorum.	Jonathan Osborn,
George Taylor,		Thomas Stanford,
William Mason,		Arthur Cresis,

Cæsar Hoskins, Sheriff.

Timothy Brandereth, Clerk and Recorder.

Samuel Matthews, Coroner.

Edward Hunlock, George Deacon, Jonathan Beer, Provincial Judges,

Peter Frettwell, Provincial Treasurer.

Chapter III.

An Act for Representatives.

WHEREAS by the General Assembly sitting in December, *Anno* 1699, there was a law made for reducing the representatives to a less number, and thereby the several counties were limited (in their election of representatives to serve in General Free Assembly) to the following numbers, (*viz.*) for the county of Burlington ten; for Gloucester county, ten; for the county of Salem, five; and for the Cape May county three; which reduction hath occasioned an unexpected dissatisfaction, and not yet met with the good end thereby designed. *Therefore be it enacted* by the Governor, with advice of his Council, and the consent and agreement of the representatives in this present Assembly met and assembled, *And it is hereby enacted* by the authority of the same, that the act above mentioned for reducing the said representatives, shall be, and is hereby repealed, and that the former law and custom for electing the usual numbers, that is to say, for the county of Burlington, twenty; the county of Gloucester, twenty; Salem county ten; and for the county of Cape May, five; shall be and is hereby declared to be established, and to stand in full force and effect; any law, usage, or custom to the contrary thereof in any wise notwithstanding

Chapter IV.

An Act to supply and enforce the observance of the late Tax Act.

WHEREAS there was an act of Assembly made in May 1700, entitled An act for raising a tax towards an honourable support of Government, as also to defray several provincial debts already contracted &c. Whereby it is provided, that a tax shall be laid upon the Province in manner and for the uses therein expressed, which are most necessary and just; yet notwithstanding the said act hath not at all in some places been obeyed, and in others, not prosecuted to

effect; occasioned by the artifices and devices practised by factions and turbulent men, to seduce the inhabitants from their duty to government, and thereby run the King's subjects into disorder and confusion, infusing a jealousy into the heads of some well meaning but unwearied people, that the tax laid as aforesaid, would amount to a prodigious and unreasonable sum, far exceeding the occasions of the Province, and could not be less then between two and three thousand pounds, if not full so much: To remove which scandal and falshood, we have taken notice what the tax laid in one thousand six hundred ninety six amounted to, and find it to be but three hundred and ninety pounds ten shillings and four pence, by the treasurers accounts and duplicates, and the tax, now to be raised is in proportion as eight to six, so that allowing for what can reasonably be supposed for increase of inhabitants since that time, we do not believe (upon the best calculation that we can make) that this tax can exceed seven hundred pounds, nor have we any probable conjecture that it reach so high; and the Province debts, by what already appears, amounts to five hundred pounds twelve shillings, besides what may be omitted, or not brought into the account, and growing charges of the Province, so that we cannot see any reason to believe that the sum arising from that tax, if duly paid, will do more than discharge the just debts of the Province; yet nevertheless, these false and malicious suggestions have so far prevailed in some places as to raise and cherish a refractory and seditious mind in divers, which hath appeared in some by refusing to obey the justices warrants to chuse assessors, and collectors; others being chosen to those offices, have refused to execute them, and some have refused to pay what is their just due when lawfully demanded, alledging further that the time is now elapsed, in which the said tax was to be raised, and so have sought to defend themselves and evade the force of the said act, by such weak subterfuges: For remedy whereof, *Be it enacted* by the Governor, with advice of the Council, and the consent and agreement of the representatives in this General Free Assembly met and assembled, *And it is hereby enacted* by the authority of the same, that the persons

herein after mentioned, be appointed, and are hereby appointed and authorized in the several and respective townships, precincts or districts in the said Province, to be assessors and collectors, for the assessing and gathering the said tax, as follows, (viz.) In the county of ^{Burlington} ~~County~~, Burlington, for the township of Hopewell, Andrew Heath, and William Spencer, assessors, and Nathaniel Petit, collector. For Maidenhead, William Hixson, and John Brierly, assessors, and John Bainbridge, collector. For Nottingham, William Emley, and Thomas Tindall, assessors, and Samuel Overton collector. For Chesterfield, Benjamin Field and Thomas Foulke, junr. assessors; and the same persons collectors. For Mansfield, Thomas Curtis, and James Crafts, senr. assessors, and Richard French collector. For Springfield, Thomas Duglis, and William Hunt, assessors, and John Knap collector. For Northampton, William Budd, and Anthony Elton, assessors, and Thomas Bryan, collector. For Burlington, Edward Hunloke, and Thomas Gardiner, Christopher Weatherill, Isaac Marriot, and Thomas Raper, assessors, and Abraham Buckley, and Richard Smith, collectors. For Wellinborough, Thomas Eves, and John Ward, assessors, and John Hudson collector. For Chester, Matthew Allin, and Abraham Hewlings, assessors, and John Hollinshead, and Thomas French, collectors. For Eversham, Henry Ballinger, and William Evans, assessors, and William Hewlings, collector. In the county of Gloucester, for the township of Waterford, John Kay, assessor and collector. For Newton, Martin Jervis, assessor and collector. For Gloucester, William Sharp, ^{Gloucester} ~~County~~, assessor and collector. For Deptford, John Wood, assessor and collector. For Greenwich, George Lawrence, and Wolley Dalboe, assessors, and Peter Long, collector. For Egg Harbour, John Somers, and John Scull, assessors, and Jonathan Adams, collector. In Salem county, ^{Salem County}, for Salem, and Elfinburgh, Richard Johnston, and John Mason, assessors, and Richard Darkin, collector. For the precincts of Penns-Neck, Edward Godwin, and Paul Jaquet, assessors, and Adam Baldridge, collector. For the precincts of Maneton, Bartholomew Wiat, and James Barrott, assessors, and John Collier, collector. For the precincts of Alloys Creek, William Penton, and Joseph Ware, assessors, and Daniel Smith collector. For the upper side of Cohansey Creek,

Joseph Brown, and Richard Butcher, assessors, and Samuel Woodhouse, collector. For Fairfield, and the lower side of Cohansey, John Chatfield, and John Ogden assessors, and Cape May County. Joseph Ceeling collector. In Cape May, county, John Creesey, and Jacob Spicer, assessors, and William Shaw, collector.

And be it enacted, and it is hereby enacted by the authority aforesaid, that the assessors respectively above named, for such township, precinct, or district, where all the inhabitants have not given in the accounts of their lands and stock, and paid in their respective proportions according to the said tax, such assessors, or either, or any of them, (the other refusing or neglecting to officiate) be impowered, and are hereby impowered to issue out their or his warrant to the constable or constables within their respective townships, or precincts, to summon town-meetings of the inhabitants at or before the twentieth day of June next, to warn such of the inhabitants who have not brought in their respective accounts as aforesaid, that they bring in their respective accounts of land and stock, and the collector or collectors appointed by this act as abovesaid, for the several and respective townships, precincts and districts be authorized, and are hereby authorized and required to collect, and pay in the same to the provincial treasurer at or before the twentieth day of October, next ensuing. *And be it further enacted, and it is hereby enacted* by the authority aforesaid, that if all or any of the assessors above named, or any other by virtue of this act to be appointed, shall refuse to join the other assessor, or assessors, in their respective township or precinct, in receiving the said inhabitants accounts of land and stock, or laying on the tax aforesaid, within the time above mentioned, every such person or persons refusing or neglecting to officiate as aforesaid, shall forfeit and pay the sum of ten pounds money of this Province to be disposed of as herein after is mentioned. And if all the assessors by this act named for any township, precinct or district within this Province, shall refuse or neglect to make the assessment within the time aforesaid, that then the Governor, with any two of his Council, shall be im-

powered, and are hereby impowered upon certain information to them given from time to time, to appoint other assessors to supply the vacancies of those townships, precincts, or districts where both or all refuse or neglect their duties in the said office, and those to be under the same forfeiture, upon neglect or refusal, as the former.

And be it further enacted by the authority aforesaid, that such collector or collectors as are appointed by this act, or any other that shall be appointed by virtue hereof, and shall refuse or neglect to collect and pay in the said assessment, when made, within the time or times perfixed, or refuse to serve in the said post, shall forfeit each the sum of ten pounds current money aforesaid, respectively, to be also disposed of as herein after is mentioned, and other collector or collectors, upon certain information given to the Governor and Council of such neglect or refusal, to be appointed by the Governor, with two or more of the Council, who are hereby impowered to appoint other collectors in their place and places, and also to appoint further times of assessing, collecting and paying in the said tax, to the treasurer, as to them the said Governor, and two or more of his Council, shall seem meet and convenient. *And be it further enacted, and is hereby enacted* by the authority aforesaid, that when the respective assessor or assessors of each township, precinct, or district in the said Province, shall warn in the inhabitants thereof, by his or their warrant as aforesaid, such inhabitants who refuse or neglect to appear at the said town meeting, or being so met, refuse or neglect to give in their accounts of land and stock, &c. then such assessors or assessor, are hereby impowered to assess such inhabitant or inhabitants according to his or their discretion; and if such inhabitant or inhabitants refuse or neglect to pay their said assessments to the collector, such inhabitants shall pay each the sum of three pounds, for their contempt over and above their tax to be applied also to the uses herein after mentioned. *And be it further enacted, and it is hereby enacted* by the authority aforesaid, that such collector or collectors as are appointed

by this act, and such other as in their default shall be appointed collectors from time to time, and shall not pay in the tax payable out of that township, or district whereof they are collectors, at the times appointed by this act, respectively, to the Provincial treasurer at Burlington, such collector or collectors, shall be deemed to have neglected or refused to serve in their offices and forfeit the sum of ten pounds, as if they had openly refused it, unless they shall make appear their diligence by giving in to a justice of the peace, the names of such of the inhabitants of whom they have made a demand of their tax, and who have refused or neglected to pay the same, and shall certify it in writing under his hand and seal; which certificate shall be accounted an execution of his trust; and which said justice of the peace is hereby required to certify the same, to the justices at their next Quarter Sessions, to be held for that county, or if by any accident, the Court of Quarter Sessions to sit in course next after, should not sit then to be certified to the first court that shall sit thereafter where default is made by them, in breach of this act, the production of which certificate shall be a sufficient conviction. And the justices are thereupon, hereby required to cause judgment to be entered against the respective persons named in the certificate for the fines respectively incurred.

And be it further enacted, by the authority aforesaid, that whereupon default of the inhabitants bringing in their accounts of their land and stock, the assessors or assessor, will be at trouble to make assessments, the assessors or assessor, shall be allowed after the rate of six-pence in the pound, or the proportion thereof, which shall be laid upon such estates where the owners have made default in giving in their accounts, and that over and above their proportion assessed for the said tax; and the respective collectors or collector for the gathering in and paying in the same, to the Provincial treasurer, shall be allowed as provided by the former act. *And be it further enacted* by the authority aforesaid, that all fines and forfeitures arising by the refusal or neglect of the assessors and collectors appointed by this act and of the assessors and collectors to be ap-

pointed, and also the fines of such as shall neglect or refuse to pay in their proportions of the said tax or their assessments when thereunto required, by the collector or collectors aforesaid, be given and are hereby given to the King to be applied by the Governor for the time being, for such use and uses as in his discretion he shall see fit, for the benefit and defence of the Province.. *And be it further enacted and it is hereby enacted* by the authority aforesaid, that the Provincial Treasurer do out of the first of the money to be paid on account of this Provincial tax, pay unto Col. Andrew Hamilton, (our present Governor) three hundred pounds ; and next that he pay what is due on accounts of presents and subsisting the Indians while they were here in May, one thousand seven hundred ; and next unto that he defray the charge of repairing the Assembly house, and payment of the clerk to the Assembly and door-keeper ; and next to that he pay, what shall be found due to the Governor's Council. *And it is also enacted* by the authority aforesaid, that how far the money that shall come to the treasurers hands shall fall short of the payments in their order respectively above expressed, the persons to whom such money shall be owing, shall be allowed after the rate of ten per cent, for laying out of their money, till the treasurer for the time being shall be enabled to pay him or them out of the Provincial tax above named, or till some fund is provided by act of General Assembly to reimburse them.

All which acts of the General Assembly at their sessions convened at Burlington, the 12th day of May, Anno Domini, 1701, and ending the 21st day of the same month, were by the honourable Col. Andrew Hamilton Governor, (with advice of his Council) and by Samuel Jennings, Speaker of the House of Representatives, and on their behalf, passed and signed in their session of Assembly.

And by order recorded per me

EDWARD HUNLOKE, Clerk Council.

To the Right Honourable the Lords of the Council of Trade and Foreign Plantations.

The Memorial of the Proprietors of the
Province of East New Jersey, in
America.

THE Proprietors having in all their applications to this honourable board, shewed an aversion to have any controversy with his Majesty, as by their several expedients in their memorials laid before your lordships may appear ; and considering how often the near neighbourhood of East Jersey, to New York, (the most important frontier belonging to the crown of England in North America) has been urged upon them, to induce them to a resignation of their government ; they do hereby declare themselves ready to surrender the same to his Majesty ; altho' the government was the chiefest motive of purchasing the said Province, which they did by the opinion and advice of eminent council learned in the law, upon the credit of which and the confirmation by King CHARLES the Second, of the title to the grantees, their heirs and assigns, as absolute Proprietors and Governor's, (as by his proclamation hereunto annexed does appear) they have buried great part of their estates in building and planting the country, and at their own expence maintained the government for many years past, as well before his Majesty's happy accession to the crown as ever since, and have not received any returns whatsoever for all their labour and cost to this day. In consideration of the premisses the Proprietors do with humble confidence rely on his Majesty's justice and goodness to confirm to the Proprietors and planters respectively, the following rights and privileges, to render them (at least) as easy under his

Majesty's government, as when under the Proprietors, toward which they presume to enumerate the following particulars, viz.

I. That his majesty will be graciously pleased to confirm to them the soil and lands of the said Province and the quit-rents reserved upon the grants made or to be made to any planters or others.

II. That upon the annexation of the government of the said Province to that of New York, the port of Perth Amboy, may be established for entering ships and importing goods there, and exporting goods from thence, without being obliged to enter their ships at any other place, paying the same or like custom to his Majesty as are or shall from time to time be payable at New York.

III. To have free liberty to trade with any Indians or other inhabitants of America, without interruption, and the Proprietors to have the sole privilege (as always hath been practiced) of purchasing from the Indians, all such lands lying within East Jersey, as yet remain unpurchased from them.

IV. All necessary officers and courts of justice for administration of justice, in cases criminal and civil, to be appointed and held in East Jersey, in the same manner as is practiced within the government of New York, and that the inhabitants may not be obliged to go to New York or be impleaded there for any criminal or civil matter arising within East Jersey, nor be compelled to serve upon juries or in any ministerial office within the Province of New York.

V. That a superior court be held twice a year at Perth Amboy, before whom writs of error or appeals (in the nature of writs of error) from other courts within the Province may be brought and determined.

VI. That the publick register and all records relating to the said Province may be kept at Perth Amboy, and not removed to any other place; and that the constituting of the secretary and register and the

Surveyor General of the said Province of East New Jersey, remain in the Proprietors.

VII. That the same number of counties be continued in East Jersey, as there are at present, and by the same names, and that each county in East Jersey may choose and send as many representatives to the General Assembly to be held for New York, and East Jersey, as are or shall be chosen by any county in New York, and if any more counties shall be hereafter created or appointed in New York, as many may be created and appointed in East Jersey.

VIII. That a proportionable number of the inhabitants of East Jersey, may be appointed to be of the Governor's Council at all General Assembly's and to have votes therein.

IX. That the twenty four Proprietors may be Lords of the soil, and hold courts for the lands in their propriety-ships, and appoint all officers that relate thereunto.

X. No person or persons whatsoever to be molested or deprived of any civil right or privilege, or rendered incapable of holding any office or employment in the Government because of their religious principles, the Province being planted by Protestant people of divers persuasions, to whom that liberty was an original encouragement.

XI. That all wills of persons dying within East Jersey, and letters of administration of estates lying there, may be made and granted by the chief judge of East Jersey for the time being, who is to reside there, and a register thereof kept at Perth Amboy.

XII. That the Proprietors still have their power continued to grant markets and fairs in the said Province.

XIII. Lastly, all lands, goods and chattles of traitors, felons, felons of themselves, doedands, fugitives, persons outlawed and put in exigent, waifs, estrays, treasure trove, mines and minerals, royal mines, wrecks, royal fish, that shall be forfeited, found or

taken within East Jersey, or by the inhabitants thereof, within the seas adjacent, to remain to the Proprietors, with all other privileges and advantages, as amply as in the grant and confirmation to them of the fourteenth of March, 1682.

And because many of the Proprietors of East Jersey, are also Proprietors of West Jersey.

It is humbly desired, that Colonel Andrew Hamilton may be dispatched by this board to the government of West Jersey, his presence being much wanted there, for the convenience of his Majesty's subjects in that Province.

Signed by order and on behalf of the Proprietors.

William Dockwra, Secretary and Register.

I do hereby certify that this is a true copy taken from the books in the plantation office, Whitehall, January 17, 1752.

Samuel Gillibrand, Deputy, Secretary.

To their Excellencies the Lords Justices
of England.

The Humble Petition of the Proprietors
of the Province of East and West Jer-
sey in America.

Sheweth,

THAT your petitioners, as they were advised by their Council, being legally entitled to the Government of those Provinces, by virtue of several grants from the late King JAMES, when Duke of York, the declaration of the late King CHARLES the second,

under the great seal of England, and of several acts of State and orders of Council, admitting their right, have for many years appointed Governor's there, and particularly Colonel Andrew Hamilton, who administred the Government to the great service of the Crown and universal satisfaction of the inhabitants, until an act of Parliament passed in the seventh and eight years of his present Majesty's reign, entitled, an act for preventing frauds and regulating abuses in the plantation trade.

Upon which laws some doubt arising, whether a native of Scotland, (as Colonel Hamilton, is) were capable of being a Governor of the plantations, your petitioners for avoiding any colour of offence against that act of Parliament, appointed one Jeremiah Basse, Governor of those Provinces; but the Lords of the committee of trade and plantations, making then some scruple concerning your petitioners right of government, Mr. Basse had not such a formal approbation of his Majesty, as that act directs; and though your petitioners were at the same time honoured with instructions from the then Lords justices, and Lords commissioners of the treasury, for their Governor's conduct, which were produced and published by Mr. Basse, as a testimony of his being nominated Governor, with the knowledge and implicate consent of his Majesty and his ministers of State, yet for want of an express approbation in writing, the inhabitants refused to obey him, and he returned for England.

Whereupon your petitioners who had been informed of the opinions of his Majesty's late attorney and present Solicitor General, that a native of Scotland, was not disabled to execute any office in the plantations, were reduced to re-appoint the said Colonel Hamilton, (then in England) Governor of those Provinces, whom your petitioners presented to the Lords of the committee of trade and plantations, humbly remonstrating to them the necessity of sending a Governor for preservation of the publick peace, and praying their lordships recommendation of him, for his Majesty's approbation, but their lordships having resolved to controvert your petitioners right of government by a tryal

at law, declared they could not consent to such an approbation without prejudice to his Majesty's right ; yet in regard of the necessity of the people's being under some government, till the right was determined, their lordships delivered their opinions, that Colonel Hamilton, acting according to the laws of England, your petitioners might be safe in commissionating him, and he in executing their commission, under the security of which approbation Colonel Hamilton went over, and re-assumed the government of those Provinces ; but some factious and turbulent persons impatient of any government, oppose his administration, because he is not approved of by an order of Council, according to the express letter of the act of Parliament, and have made so great divisions and confusions there, that the publick peace is daily violated, and the publick justice obstructed.

That your petitioners have agreed and are ready to surrender all their right of government to his Majesty, upon such terms and conditions as are requisite for preservation of their properties and civil interests, and which they humbly hope will be allowed to them.

Your petitioners therefore most humbly pray, that for the preservation of the publick peace of these Provinces, your excellencies will be graciously pleased immediately to approve of Colonel Hamilton to be Governor of the Provinces of East and West Jersey, until the terms of surrender can be adjusted.

And your petitioners shall ever pray.

Thomas Lane,	Jos. Brooksbanke,
Paul Dominique,	Dan. Cox, junr.
Thomas Skinner,	Thomas Hart,
John Bridges,	Joseph Ormston,
Michael Watts,	Joseph Ormston, as having
E. Richier,	procuration from Miles Fos-
Clement Plumstead,	ter, and Edward Anthill,
Thomas Cooper,	Gilbert Molleson,
Walter Benthall,	Thomas Barker,

I do hereby certify that this is a true copy taken from the books in the plantation office,

Whitehall,

January 17, 1752.

SAMUEL GELLIBRAND, D. Secretary.

Opinion and Answer of the Lords Commissioners for Trade and Plantations,

To the Memorial of the Proprietors of
East New Jersey in America; signed
by Mr. Dockwra, and recorded from
him the 5th of July, 1699.

ARTICLE I. **W**E have no objection to what is herein desired.

ARTICLE II. We conceive his Majesty may do what is herein proposed, in case the Proprietors accept of a new charter, with such conditions as are reasonable with relation to their propriety; but that it is very improper for his Majesty to oblige himself to a compliance with this article by any clause in the new charter.

ARTICLE III. The first part of this article is not reasonable, since it may happen to be sometimes adviseable to restrain this liberty: But the Proprietors of East Jersey, may have the same liberty granted them of trading with the Indians as is granted to the inhabitants of New York, or any other plantation in America, under his Majesty's immediate government. What relates to the purchasing of lands may be allowed.

ARTICLE IV. The first part of this article we conceive may be fit to be allowed (provided the officers be appointed by the King's Governor) but not without appeals in civil matters to the King's Governor and Council, and to the King in Council: Nor so as to hinder tryals in criminal matters by his Majesty's special commission to be executed either in New York, or East Jersey, as shall be thought fit, New York, and East Jersey, being to be accounted one Province without distinction, except as to the propriety of lands and the *dominium utile*.

ARTICLE V. This article we think fit to be allowed of, provided there be a further appeal to the Governor of New York and Council, which is to consist as well of the inhabitants of East Jersey, as of those of New York, indifferently.

ARTICLE VI. What relates to the publick register and records to be kept at Perth Amboy, may be allow'd ; but the not removing them to any other place upon any account whatsoever, when the publick service shall require it, seems unreasonable ; and the Proprietors constituting of the Secretary and Register (which the King does everywhere appoint) does not seem fit to be allow'd : Nor is it fit there should be more than one Chief Secretary both for New York and New Jersey, who may appoint a deputy to officiate in his absence from either place.

The Surveyor General has a more particular reference to the Proprietors and their lands ; so that their constitution of such an officer may be allowed.

ARTICLE VII. We have no objection against the number of counties ; but the rest of this article seems to be wholly unreasonable ; and in case East Jersey be allowed to send one sixth part of the representatives of the General Assembly, and West New Jersey, one sixth part more (which would be one full third of the whole number of the representatives for New York, and the Jersey's) it is as much as can well be allowed ; since otherwise these two Jersey's under Proprietors would come in competition with New York itself, and out vote that part of the Province, when united : So that one third of the number of the representatives for the Jersey's, and two thirds for New York, (or thereabouts) seems a reasonable proportion.

ARTICLE VIII. This may be reasonable, but then the proportion must be agreed on, so as to answer that of the preceeding article.

ARTICLE IX. We have no objection to this article, in case those officers be no other than such as constitute a court baron or court leet in England.

596 Lords Commissioners Answer.

ARTICLE X. This article must be regulated by acts of Parliament, and the usage of New York it self.

ARTICLE XI. Probate of wills is usually in the King's Governor, but he may appoint commissaries for executing the same in any part of his government.

ARTICLE XII. We have no other objection than that this power is usually in the Governor.

ARTICLE XIII. This article may be reasonable, except as to the goods and chattles of traitors, fugitives and persons out-law'd, which is matter of state ; nor can right accruing to the Proprietors from the seas adjacent be well circumscribed ; the grant also of 1682, ought to be duly considered, and such particulars therein as are proper may be allowed of, without such a general and determined reference.

I do hereby certify that this is a true copy taken from the books in the Plantation Office.

Whitehall,
January 17. 1752.

SAMUEL GELLIBRAND, D. Secretary.

To the Right Honourable the Lords of
the Council of Trade and Foreign
Plantations.

The humble Memorial of the Proprietors
of the Province of East New Jersey in
America.

THE Proprietors in all their applications to your lordships, and particularly in their last proposals, having expressed a great readiness of complying with his Majesty's pleasure in relation to their government, so as their properties might be preserved to them by such concessions of his Majesty's part as are necessary to that end, are surprized at the dubious answer returned by your lordship's to the second article of their proposals concerning the establishment of a port at Perth Amboy, for entering ships and importing goods there, and exporting goods from thence, without being obliged to enter their ships at any other place: For the principal objection that has been always made to the allowance of a port in East Jersey, arising from the non payment of customs there, and the detriment accruing to the trade of New York by reason thereof, the Proprietors conceived that by submitting to pay the same customs as are paid at New York, they had effectually answered that objection, and prevented all others, and that they being his Majesty's subjects, and equally entitled to his favour and protection with the inhabitants of New York, might under the payment of such duties freely enjoy those conveniencies for trade, which God and Nature have allotted to their colony, and they have purchased with their money, and which has not been denied to any other American plantations, tho' paying no custom, but permitted as a natural right.

The Proprietors therefore crave leave (in pursuance of that sincerity and plainness, wherewith they have all along addressed to your lordships on this occasion) to declare, that the obtaining a port to be continued for ever was their main inducement to consent to a surrender of their government ; and therefore they insist, that in the new charter to be granted to them by his Majesty, there be an express clause inserted, whereby Perth Amboy, shall be established a port for ever for entering all ships coming into and going from East Jersey, for importing and exporting goods, and that such port shall not be forfeited or taken away for any misdeameanour whatsoever, but only the persons guilty of the misdeameanour shall be accountable and punishable for it.

This is the only thing that can make the Province of any value to the Proprietors, or give them hopes of re-imbursing their purchase money and other expences in improvements ; and if your lordships think it too great a privilege for them, who have been faithful subjects to his Majesty, and contributed to the defence of the frontiers during the late war in America, more than they were able to bear ; the Proprietors cannot be accessary to their own ruin by a voluntary surrender, but must endeavour to vindicate their right in a legal manner, and seek redress by such other measures as they shall be advised to, and are consistent with their duty to his Majesty.

The Proprietors do further crave leave to mention, that if their desire of a port is once granted, they do not foresee any great difficulty to adjust with your lordships the other articles mentioned in their memorial.

Signed on the behalf of the said Proprietors and by their order.

London, 15th,
1699,

WILLIAM DOCKWRA,
Secretary and Register.

January 1700,

I do hereby certify that is a true copy taken from the books in the plantation office.

Whitehall, SAMUEL GELLIBRAND, D. Secretary.
January 17, 1752.

The humble Memorial of the Proprietors of the Provinces of East and West Jersey in America.

THOUGH the Proprietors are advised by their Council, that their right to ports within those respective Provinces was fully asserted, and their past administration of the government of those Provinces as fully justified at the late tryal had in the court of King's bench, between Mr. Basse and the Earl of Belloment; they are notwithstanding ready and desirous in obedience to his Majesty's pleasure, to surrender all right of government there, in humble hope and confidence, that as his royal wisdom prompts him to resume the American proprietary governments into his own more immediate administration, so his justness and goodness will incline him to grant the Proprietors all reasonable privileges, which are necessary to preserve their civil rights and the interests of the planters, and which are not inconsistent with his Majesty's service or royal authority.

To which they humbly propose and pray.

First. That his Majesty will grant and confirm to them, their lands and quit-rents, with such other liberties, franchises and priviledges as were granted to them by the late King JAMES, when Duke of York, or have been granted by his Majesty to other Proprietaries of Provinces in America, except the powers of Government.

II. That his Majesty will grant to them the sole power of purchasing from the Indians, all lands lying within these Provinces, which remain unpurchased from them, and that all other persons who have purchased or shall purchase lands from the Indians, either with or without licence first had from the Proprietors, and who have not already taken patents, shall be obliged to take patents of such lands from the Proprietors, under a moderate quit-rent; and in default thereof, their title from the Indians to be declared null and void. This the Proprietors humbly conceive will be necessary, as well to vindicate his Majesty's Royal Right, as their

own property under him, because the planters have lately taken up and promoted an opinion, that the King's right to all American countries discovered by English subjects, is only notional and arbitrary, and that the Indian natives are the absolute independent owners, and have the sole disposal thereof; and some of the planters, who have made such purchases of land from the Indians, refuse to take patents from the Proprietors, grantees of the Crown, and others who have taken patents, refused to pay the quit-rents reserved.

III. That the inhabitants of both Provinces may have the same liberty of trading with the Indians, as the inhabitants of New York, or of any other plantation in America, under his Majesty's immediate government do or shall enjoy.

IV. That the port of Perth Amboy, in East Jersey, and the ports of Burlington, and Cohanzie in West Jersey, may be established ports of those respective Provinces for ever; and that no ships bound to any of those places shall be obliged to enter at any other port, nor any ships to be laden there, shall be obliged to clear at any other port; and that officers may be appointed at such port for collecting the customs and seeing the acts of navigation duly executed.

V. That the Proprietors may appoint Surveyors General and other officers, for surveying and recording the surveys of land granted by and held of them.

VI. That the Proprietors of East Jersey, may hold three markets in every week for ever, on Tuesday, Thursday and Saturday, for all manner of cattle, goods and merchandizes at Perth Amboy, and four fairs in every year, there to begin the
Monday in the months of

and each fair to continue six days; and that the Proprietors of West Jersey, may hold the like number of markets in every week, for ever on Monday, Wednesday, and Friday at Burlington, in West Jersey, and four fairs in every year, there to begin the
Monday in the month of

and each fair to continue six days.

VII. That East and West Jersey, may be erected into one distinct government, and have one General Assembly for making laws for the good of both Provinces, to sit alternatively at Perth Amboy in East Jersey, and Burlington in West Jersey ; and that such General Assembly may be elected every year in the month of _____ and may meet on the first Monday in October, and oftner if need be.

VIII. That the General Assembly may consist of thirty six representatives to be chosen in manner following, viz. two by the inhabitants house-holders of the city or town of Perth Amboy in East Jersey ; two by the inhabitants house-holders of the city or town of Burlington in West Jersey ; sixteen by the free-holders of East Jersey and sixteen by the freeholders of West Jersey ; but that no person shall be capable of being elected a representative by the said freeholders, or afterward of sitting in General Assembly, who shall not have one thousand acres of land of an estate of freehold in his own right within the Province, for which he shall be chosen ; and that no freeholder shall be capable of electing such representatives, who shall not have one hundred acres of land there in his own right of an estate of freehold ; and that this number of representatives shall not be enlarged or diminished, or the manner of electing them altered, otherwise than by act of General Assembly, and the approbation of his Majesty, his heirs and successors.

IX. That the Governor's Council may consist of inhabitants of both Provinces, whereof an equal number to be chosen out of each Province.

X. That all necessary officers and courts for administration of justice in cases criminal and civil, be established in each Province, and that one Supream Court may be held for both Provinces twice in every year at Perth Amboy in East Jersey, and Burlington in West Jersey, alternatively ; in which court all writs of error or appeals in the nature of writs of error from any other courts within these Provinces shall be brought and determined ; and that this court may consist of the Governor's Council and the three capital judges of each Province (except such of them who pronounced the first judgment, sentence

or decree) or of any seven of them, whereof two of the Council, and three judges for the time being shall be five, and every member of the court who shall be present, shall have an equal vote, saving that where the court shall be equally divided in their opinions, the eldest of the Council shall have a decisive vote.

XI. That no appeals to the King may lye in personal actions, where the cause of action is of less value than two hundred pounds.

XII. That all Protestants may be exempt from all penal laws relating to religion, and may be capable of being of the Governor's Council, and of holding any other publick office, though they do not conform to the discipline of the Church of England, or scruple to take an oath; and that an instruction be given to the Governor for procuring a law to pass in the General Assembly for substituting some proper declaration in the place of an oath.

XIII. That his Majesty will be pleased to permit the Proprietors to nominate the first Governor.

XIV. That all such further priviledges, franchises and liberties, as upon consideration shall be found necessary to the good government and prosperity of the said Provinces, and increasing the trade thereof, may be granted to the Proprietors.

Walter Benthall,
E. Richier,
Jos. Brookbank.
Dan. Cox, junr.
Thomas Lane,
Paul Dominique,
John Bridges,
Michael Watts,
Thomas Skinner,
Thomas Hart,

Joseph Ormston,
Joseph Ormston, as having
procuration from Miles Foster,
and Edward Anthill,
Gilbert Molleson,
Thomas Barker,
Claud Plumstead,
Thomas Cooper,
William Dockwra,
August 12th, 1701.

I do hereby certify that this is a true copy taken from the books in the plantation office.

Whitehall, SAMUEL GELLIBRAND, D. Secretary.
January 17, 1752.

To their Excellencies the Lords Justices.

May it please your Excellencies,

IN OBEDIENCE to your excellencies commands signified to us by Mr. Yard, upon several papers laid before your excellencies, relating to the state of his Majesty's Provinces of East and West New Jersey in America, we have considered all the said papers, together with others of the like nature that were already in our hands, and having likewise heard what the Proprietors and others had to offer; we thereupon most humbly report to your excellencies,

That those countries which are now known by the name of East and West New Jersey, were granted together with several other territories by King CHARLES the Second, by Letters Patents bearing date the 12th day of March, 1664, to the then Duke of York, his heirs and assigns, together with full and absolute power and authority to him, his heirs, deputies, agents, commissioners and assigns, to correct, punish, pardon, govern, and rule all such persons as did then, or should at any time thereafter reside within the said territories, according to such laws, orders, ordinances, directions and instruments, as by the said Duke of York, or his assigns, should be established, and with several other clauses relating to the government and defence of the same.

That the said Duke of York did therefrom grant, convey, and assign the said Provinces (by the name of Nova Cæsaria or New Jersey) to John Lord Berkley, and Sir George Carteret, their heirs and assigns, with all and every the appurtenances thereto belonging, in as full and ample manner as the same was granted to him by the foresaid Letters Patents of King CHARLES the Second.

That his said Majesty King CHARLES the Second, by other Letters Patents, dated the 29th of June, 1674, did again grant and convey to the said Duke of York, all the said lands and territories in the same manner as before expressed, and that several sub-

divisions and sales having in the mean while been made by the said Lord Berkley, Sir George Carteret, and others claiming under them, he the said Duke of York, did by indenture dated the sixth day of August, 1680, grant and confirm the Province of West New Jersey, with all the appurtenances thereunto belonging to Edward Byllynge, of Westminster gent. in whom the title thereunto then was, and to his heirs and assigns forever: And did in like manner by indenture dated the 14th day of March, 1682, grant and confirm the Province of East New Jersey, with all the appurtenances thereto belonging, to James Earl of Perth, William Penn, Esq; and several other persons, in whom the title to the same then was, and to their heirs and assigns for ever. And by each of the said indentures did likewise give, grant and assign unto the aforesaid respective grantees or assigns all and every such, and the same powers, authorities, jurisdictions, governments and other matters and things whatsoever, which by the forementioned respective Letters Patents, or either of them, were granted or intended to be granted to be exercised by him the said Duke of York, his heirs, assigns, deputies, officers or agents.

That the present Proprietors who derive their respective titles to their several shares and proportions of the soil of those Provinces by several mean conveyances from and under the forementioned grants to Edward Byllinge, and to the Earl of Perth, and other persons, to whom the Duke of York, had immediately conveyed the same, do in like manner and by virtue of divers such mean conveyances, claim the same powers and rights of government, as were granted by King CHARLES the Second to the Duke of York, and by him to others according to the tenor, of the aforesaid indentures.

That nevertheless, we do not find that any sufficient form of government has ever been settled in those Provinces, either by the Duke of York, or by those claiming under him, as aforesaid; but that many inconveniencies and disorders having arisen from their pretence of right to govern, the Proprietors of East New Jersey did surrender their said pretended right to the

late King JAMES, in the month of April, 1688, which was accordingly accepted by him.

That since his Majesty's accession to the Crown, the Proprietors both of East and West New Jersey, have continued to challenge the same right as before, and did in the year 1697, apply themselves to us in order to their obtaining his Majesty's approbation of the person whom they desired to have constituted Governor of the said Provinces, but at the same time refused to enter into security to his Majesty, pursuant to the address of the right honourable the House of Lords of the 18th of March 1696, that the person so presented by them the said Proprietors, should duly observe and put in execution the acts of trade; yet nevertheless proceeded from time to time to commissionate whom they thought fit to be governors of those Provinces without his Majesty's approbation, according to what is required by the late act for preventing frauds and regulating abuses in the plantation trade.

That in this manner having formerly commissioned Colonel Andrew Hamilton, afterwards Mr. Jeremiah Bass, then again superseding their commission to Mr. Bass, and renewing or confirming that to Colonel Hamilton; and ever since that also some of them having sent another commission to one Captain Andrew Bown, the inhabitants sensible of the defects and insufficiency of all those commissions for want of his Majesty's authority, have upon several occasions some of them opposed one of those Governors, some another, according as interest, friendship or faction have inclined them.

That the inhabitants of East New Jersey, in a petition to his Majesty the last year, complained of several grievances they lay under by the neglect or mismanagement of the Proprietors of that Province or their agents; as particularly that from the latter end of June, 1689, till about the latter end of August, 1692, (which was a time of actual war) they had not taken any manner of care about the government thereof, so that there having been neither magistrates established to put the laws in execution, nor military officers to com-

mand or give directions in order to the defence of the Province, they were exposed to any insults that might have been made upon them by an enemy ; unto which they also added, that during the whole time the said Proprietors have govern'd or pretended to govern, that Province, they have never taken care to preserve or defend the same from the Indians or other enemies, by sending or providing any arms, ammunition or stores, as they ought to have done ; and the said inhabitants thereupon humbly prayed, his Majesty would be pleased to commissionate some fit person, qualified according to law, to be Governor over them.

That it has been represented to us by several letters, memorials and other papers, as well from the inhabitants as Proprietors of both those Provinces, that they are at present in confusion and anarchy, and that it is much to be apprehended least by the heats of the parties that are amongst them, they should fall into such violences, as may endanger the lives of many persons and destroy the colony.

That the greatest number of the Proprietors of both those Provinces residing in this city, being hereby sensible of the necessity of his Majesty's authority for the preserving of peace and good order in those countries, have lately presented a petition to your excellencies, in the preamble whereof, tho' they still seem to assert their title to the government of the said Provinces, yet nevertheless in the end declare, that they have agreed and are ready to surrender the same to his Majesty upon such terms and conditions as are requisite for preservation of their proprieties and civil interests ; and they thereupon humbly pray, that for the preservation of the publick peace, your excellencies would be graciously pleased immediately to approve Colonel Hamilton, to be Governor of both the said Provinces of East and West New Jersey, until the terms of surrender can be adjusted.

That in a late memorial presented to your excellencies (and signed not only by the same persons, but by others likewise, who wou'd not join in the prayer of that petition) having again prefaced their own pre-

tended right to government, they do in like manner declare their readiness to surrender the same, in humble hope and confidence (as they express themselves) that his Majesty will be pleased to grant them all reasonable priviledges, which are necessary to preserve their civil rights and the interests of planters, and which are not inconsistent with his Majesty's service or royal authority ; after which they proceed to propose and particularly enlarge upon several articles relating to the method of settling both the said Provinces, and uniting them under one government.

That the Proprietors of East New Jersey, residing there, have signed and sent over hither to a gentleman, whom they have constituted their agent and attorney in that behalf, an absolute and unconditioned surrender of their right to the government of that Province, so far as the same is in them, and so far as they are capable of doing it for others concerned with them in that propriety.

That in relation to the aforesaid articles, we have been attended by several of the Proprietors here, who have further personally declared to us, that their intention in proposing the same, is only to secure their right in such things as are matter of property ; and that they unanimously desire to surrender the government to the King, and submit the circumstances thereof to his Majesty's pleasure. But in relation to the forementioned petition, that Colonel Hamilton may at present receive his Majesty's approbation to be Governor these Provinces, the said Proprietors are so divided amongst themselves, that whereas some seem to insist upon his approbation as one principal condition of their surrender, others in the same manner insist upon his exclusion.

Upon all which we humbly represent to your excellencies.

That not being satisfied that the forementioned grants from the Duke of York, (the only title upon which the said Proprietors claim a right to government) without any dirrect and immediate authority from the Crown,

were or cou'd be of any validity, to convey that right (which we have been informed is a power inalienable from the person to whom it is granted, and not to be assigned by him unto any other, much less divided, subdivided and convey'd from one another, as has been done in the present case) we did thereupon humbly represent to his Majesty the 18th of April, 1699, that a tryal might be had in Westminster Hall, upon a feigned issue, whereby their claim to the right of government might receive a determination.

That no such determination having yet been made, nor any proceedings (that we know of) had upon the forementioned surrender, but it being generally acknowledged both by the inhabitants and Proprietors of the foresaid Provinces, that the disorder and confusion they are now fallen into, are so great, that the publick peace and administration of justice is interrupted and violated and whilst those disorders continue, there neither is; nor possibly can be, any due provision made for the guard and defence of that country against an enemy; we are humbly of opinion, that it is very expedient for the preservation of those territories to the Crown of England, and for securing the private interest of all persons concerned, that his Majesty would be pleased to constitute a Governor over those Provinces by his immediate commission. Which together with the instructions to be also given to the said Governor, may contain such powers, authorities and directions as may be necessary for the establishing there, a regular constitution of government, by a Governor, Council and General Assembly, with other civil and military officers, and for securing to the Proprietors and inhabitants all their properties and civil rights in as full and ample manner as the like are enjoyed by any plantation under governors appointed by his Majesty's immediate commission, together with such clauses and further provisions as may be thought reasonable, in order to prevent the interfering of that colony with the interest of his Majesty's other plantations, as the proprietary governments in America have generally done.

And we further humbly offer, that draughts of such a commission and instructions may be prepared, and

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that they may be also shewn to the Proprietors of those Provinces, in order to their acquiescence, and the surrender of their pretended right to government, in such manner and form as may be effectual in law, to the final extinguishing of their pretences; or in case of their refusal, in order to such other proceedings as shall then be thought fit.

All which nevertheless is most humbly submitted.

Whitehall,
October 2, 1701.

Phil. Meadows,
Jo. Pollexsen,
Abr. Hill,
Mat. Prior,

I do hereby certify that this is a true copy taken from the books in the plantation office.

Whitehall, SAMUEL GELLIBRAND, D. Secretary.
January 17, 1752.

Surrender from the Proprietors of East and West New Jersey, of their pre- tended Right of Government to Her Majesty.

WHEREAS his late Majesty King CHARLES the Second, by his Letters Patents under the great seal of England, bearing date at Westminster on or about the 12th day of March, in the sixteenth year of his reign, did give and grant to JAMES then Duke of York, his heirs and assigns, all that part of the main land of New England, beginning at a certain place called or known by the name of Saint Croix, next adjoining to New Scotland in America, and from thence extending along the sea-coast unto a certain place called Pem- aquod or Pemaquid, and so up the river thereof to the furthest

head of the same, as it tends northward, and extending from thence to the river of Kenibique, and so upwards by the shortest course to the river Canada, northward ; and also all that island or islands commonly called by the several name or names of Manowacks, or Long Island, situate, lying and being towards the west of Cape Codd and the Narrohigansets, abutting upon the main land between the two rivers there, called or known by the several names of Connecticut and Hudson's river ; together also with the said river called Hudson's river, and all the lands from the west side of Connecticut river to the east side of Delaware bay. And also all those several islands called or known by the names of Martin's Vinyard, and Nantucks or Nantucket, together with all the lands, islands, soils, rivers, harbours, mines, minerals, quarries, woods, marshes, waters, lakes, fishings, hawkings, hunting, and fowling, and all other royalties, profits, commodities and hereditaments to the several islands, lands, and premises, belonging and appertaining, with their and every of their appurtenances, *to have and to hold* all and singular the said lands, islands, hereditaments, with their and every of their appurtenances, to the said JAMES Duke of York, his heirs and assigns forever, to be held of the said King, his heirs and successors as of his manor of East Greenwich in Kent, in free and common soccage and not in capite or by knight's service, yielding and rendering therefore yearly and every year, forty beaver skins when demanded, or within ninety days after : And by the same Letters Patents the late King CHARLES the Second, for himself, his heirs and successors, did give and grant to the said JAMES Duke of York, his heirs, deputies, agents, commissioners and assigns, full and absolute power and authority to correct, punish, pardon, govern and rule all such subjects of the said King, his heirs and successors, as should from time to time adventure themselves into the parts and places aforesaid, or that should at any time then after inhabit within the same, according to such laws, orders, ordinances, directions and instructions as by the said Duke of York, or his assigns, should be established ; and in defect thereof, in case of necessity, according to the good directions of his deputies, commissioners, officers or

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assigns respectively, as well in all causes and matters as well capital and criminal as civil, both marine and others, so always as the said statutes, ordinances and proceedings were not contrary, but as near as might be agreeable to the laws and statutes and government of the realm of England, saving and reserving to his said Majesty, his heirs and successors, the receiving, hearing and determining, of the appeal and appeals of all or any other person or persons of, in or belonging to the territories or islands aforesaid, in or touching any judgment or sentence to be there made or given; and further that it should and might be lawful to and for the said Duke of York, his heirs and assigns, from time to time to nominate, constitute, ordain and confirm such laws as aforesaid, by such name or names or stiles as to him or them shall seem good; and likewise to revoke, discharge, change and alter as well all and singular Governors, officers and ministers, which then after should be by him or them thought fit or needful to be made or used within the aforesaid parts and islands; and also to make, ordain and establish, all manner of orders, laws, directions, instructions, forms and ceremonies of government and magistracy, fit and necessary for and concerning the government of the Territories and islands aforesaid, so always as the same were not contrary to the laws and statutes of the realm of England, but as near as might be agreeable thereunto; and the same at all times then after to put in execution or abrogate, revoke or change, not only within the precinct of the said Territories or islands, but also upon the seas in going and coming to and from the same, as he and they in their good direction should think to be fittest for the good of the adventurers and inhabitants there. And the late King did thereby grant, ordain and declare, that such Governors, officers, ministers as from time to time should be authorized and appointed in manner and form aforesaid, should and might have full power and authority to use and exercise martial law in cases of rebellion, insurrection and mutiny, in as large and ample manner as the lieutenants of his said Majesty in his counties of the realm of England had, or ought to have, by their commissions of lieutenancy, or any law or statute of the said realm

of England. And the said late King did thereby also for himself, heirs and successors, grant to the said JAMES Duke of York, that it should and might be lawful for him, his heirs and assigns, in his or their discretions, from time to time, to admit such and so many person or persons to trade and traffick unto and within the Territories and islands aforesaid, and into every or any part or parcel thereof, and to have process and enjoy any lands and hereditaments in the parts and places aforesaid, as they should think fit, according to the laws, orders, constitutions and ordinances by the said JAMES Duke of York, his heirs, deputies, commissioners and assigns from time to time to be made and established, by virtue of and according to the true intent and meaning of the said Letters Patents, and under such conditions, reservations and agreements as the said JAMES Duke of York, his heirs and assigns should set down, order, direct and appoint, and not otherwise. And by the said Letters Patents the said King did for himself his heirs, and successors, grant to the said JAMES Duke of York, his heirs and assigns, and to all and every such Governor and Governors or other officers or ministers as by the said JAMES Duke of York, his heirs or assigns, should be appointed, with power and authority of government and command in or over the inhabitants of the said Territories or islands, that they and every of them should, or lawfully might, from time to time, and at all times then after or for ever, for their several defence and safety, encounter, expulse, repel and resist by force of arms, as well by sea as by land, and all ways and means whatsoever, all such person or persons as without the especial licence of the said JAMES Duke of York, his heirs and assigns, should attempt to inhabit within the several precincts and limits of the said territories and islands ; and also all and every such person and persons whatsoever as should enterprize, or attempt at any time then after, the destruction or invasion, detriment or annoyance to the parts, places or islands aforesaid, or any part thereof ; as by the said recited Letters Patents duly enrolled, relation being thereunto had, more at large may appear. *And whereas* the estate, interest, right and title of the said JAMES Duke of York, in and to the Provinces of East

Jersey and West Jersey, part of the premises by the said recited Letters granted, are by mean conveyances and assurances in the law, come unto and vested in or claimed amongst others by Sir Thomas Lane, Paul Dominique, Robert Mitchell, Joseph Brooksbank, Michael Watts, Edward Richier, John Norton, Ebenezer Jones, John Whiting, John Willcocks, John Bridges, Thomas Skinner, Benjamin Steell, Obediah Burnett, Joseph Micklethwait, Elizabeth Miller, Benjamin Levy, Francis Minshall, Joseph Collier, Thomas Lewis, Jo. Bennet, John Booker, Benjamin Nelson, James Wasee, Richard Harrison, John Jurin, Richard Greenaway, Charles Mitchell, Francis Mitchell, Tracy Pounceford, William Hamond, Ferdinando Holland, William Dockwra, Peter Sonmans, Joseph Grimston, Charles Ormston, Edward Antill, George Willocks, Francis Handcock, Thomas Barker, Thomas Cooper, Robert Burnet, Miles Forster, John Johnstone, David Lyell, Michael Hawdon, Thomas Warne, Thomas Gordon, John Barclay, Clement Plumstead, Gilbert Mollison, and Richard Hasel, the present Proprietors thereof, and they also have claimed, by virtue of the said Letters Patents and mean conveyances, to exercise within the said Provinces for the governing the inhabitants thereof, all the powers and authorities for government granted by the said Letters Patents to the said Duke and his heirs and assigns; but her Majesty hath been advised, that they have no right nor can legally execute any of the said powers, but that it belongeth to her Majesty in right of her Crown of England to constitute Governors of the said Provinces, and to give directions for governing of the inhabitants thereof, as her Majesty shall think fit. And the said Proprietors being desirous to submit themselves to her Majesty, are willing to surrender all their pretences to the said powers of government, to the intent her Majesty may be pleased to constitute a Governor or Governors of the same Provinces, with such powers, privileges and authorities for the government thereof, and making of such laws there with the consent of the Assembly of the said Provinces, and her Majesty's subsequent approbation thereof, as her Majesty in her great wisdom shall think fit and convenient. We therefore the said Sir Thomas Lane, Paul Dominique, Robert Mitchell, Joseph Brooksbanke, Machael Watts

Ed. Richier, John Norton, Ebenezer Jones, John Whiting, Clement Plumstead, John Wilcocks, John Bridges, Thomas Skinner, Benjamin Steele, Obadiah Burnet, Joseph Micklethwaite, Elizabeth Miller, Benjamin Levy, Francis Minshall, Joseph Collier, Thomas Lewes, Jo. Bennet, John Booker, Benjamin Nelson, James Wasse, Richard Harrison, John Jurin, Richard Greenaway, Charles Mitchell, Francis Mitchell, Tracy Paunceford, William Hamond, Ferdinando Holland, William Dockwra, Peter Sonmans, Joseph Grinston, Charles Ormston, Edward Anthill, George Wilcocks, Francis Hancock, Thomas Barker, Thomas Cooper, Robert Burnett, Miles Forster John Johnston, David Lyell, Michael Hawdon, Thomas Warne, Thomas Gordon, John Barclay, Gilbert Molleson, and Richard Hasell, &c. the present Proprietors of the said Provinces of East Jersey, and West Jersey, for the considerations and to the intent aforesaid, have surrendered and yielded up, and by these presents for us and our heirs, do surrender and yield up unto our Sovereign Lady ANNE by the grace of God Queen of England, Scotland, France, and Ireland, Defender of the Faith, &c. her heirs and successors, all these the said powers and authorities to correct, punish, pardon, govern and rule all or any of her Majesty's subjects or others, who now are or inhabit or hereafter shall adventure into or inhabit within the said Provinces of East Jersey, and West Jersey, or either of them; and also to nominate, make, constitute, ordain and confirm any laws, orders, ordinances and directions and instruments for those purposes or any of them; and to nominate, constitute or appoint, revoke, discharge, change or alter any Governor or Governors, officers or ministers which are or shall be appointed, made or used within the said Provinces or either of them; and to make, ordain and establish any orders, laws, directions, instruments, forms or ceremonies of government and magistracy, for or concerning the government of the Provinces aforesaid or either of them, or on the sea in going and coming to or from thence, or to put in execution, or abrogate, revoke or change such as are already made for or concerning such government, or any of them; and also all those the said powers and authorities to use and exercise martial law in the places aforesaid, or either of them, and to admit any person or person

to trade or traffick there, and of encountering, repelling and resisting by force of arms any person or persons attempting to inhabit there without the licence of us the said Proprietors, our heirs and assigns, and all other the powers, authorities and priviledges of or concerning the government of the Provinces aforesaid, or either of them to the inhabitants thereof, which were granted or mentioned to be granted by the said recited Letters Patents, and every of them. *In witness* whereof the persons abovenamed have hereunto set their hands and seals this fifteenth day of April, in the year of our Lord one thousand seven hundred and two, and in the first year of her Majesty's reign.

For the Eastern Division.

L. Morris, in the behalf of Robert Burnett, Miles Foster, John Johnstone, Michael Hawdon, John Barclay, David Lyell, Thomas Warne, Thomas Gordon, Thomas Barker, Thomas Cooper, Gilbert Mollison, Henry Adderly, Richard Hasel, Barbados. William Dockwra,	Peter Sonman's, { Joseph Ormston, for myself, and as proxy for Charles Ormston, Edward Anthill, and George Willocks, and Representative of Francis Handcock, Thomas Lane, Paul Dominique, Robert Mitchell, Joseph Brooksbank. E. Richier, { Michael Watts, of } Clement Plumstead, {
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For the Western Division.

Benjamin Nellson, James Wasse, Richard Harrison, John Jurin, Richard Greenaway, Charles Michell, Francis Michell, Francis Pounceford, Wm. Hammond, Ferd. Holland, Elizabeth Miller, Benjamin Levy, Francis Minshall, Joseph Collin, Thomas Lewis, Jo. Bennet,	John Booker, John Whiting, John Wilcocks, John Bridges, Thomas Skinner, Benjamin Steel, Obadiah Burnett, Jos. Micklethwait, Thomas Lamb, Paul Dominique, Robert Michell, Jos. Brooksbanks, Michael Watts, E. Richier, John Norton, Eben. Jones,
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616 Surrender of the Proprietors.

Sealed and delivered by Thomas Lane, Paul Dominique, Robert Michell, Joseph Brooksbanks, Michael Watts, Edward Richier, John Norton, Ebenezer Jones, John Whiting, John Willcocks, John Bridges, Thomas Skinner, Benjamin Steel, Obadiah Burnett, Joseph Micklethwait, Elizabeth Miller, Benjamin Levy, Francis Minshall, Joseph Collier, Thomas Lewis, John Bennett, John Booker, Benjamin Nelson, James Wasse, Richard Harrison, John Jurin, Richard Greenaway, Charles Mitchell, Francis Mitchell, Tracy Pauncefort, William Hamond, Ferdinando Holland. And for the interest the Proprietors of West Jersey, have in East Jersey, Thomas Lane, Paul Dominique, Robert Mitchel, Joseph Brooksbank, Edward Richier and Michael Watts.

Sealed and delivered by the aforesaid persons in presence of us.

L. Morris,
Jonathan Greenwood,

Sealed and delivered by William Dockwra, Peter Sonmans, Joseph Ormston, Thomas Barker and Thomas Cooper, Proprietors of East Jersey, in the presence of us.

Richard Bouts.
Nathaniel Welch,

Sealed and delivered by Gilbert Molleson, in presence of us.

Daniel Wild,
Gilbert Falconer,

Sealed and delivered by Clement Plumstead, in presence of us.

John Askew,
Samuel Hannington.

Sealed and delivered by Henry Adderly, in presence of us.

John Blackall,
Thomas Cage,

Sealed and delivered by Lewis Morris, in presence of

Aug. Graham,
Richard Bibby.

I do hereby certify that this is a true copy from the books in the plantation office.

Whitehall, SAMUEL GELLIBRAND, D. Secretary.
January 17, 1752.

The QUEEN's Acceptance of the Surrender of Government.

At the Court of St. James's the 17th Day
of April, 1702.

PRESENT,

The QUEEN's most Excellent Majesty.

His Royal Highness, Lord Chamberlain, Lord Godolphin,
Prince George of Earl of Dorset, Mr. Comptroller,
Denmark, Earl of Manchester, Mr. Vice Chamber-
Lord Keeper, Earl of Stamford, lain,
Lord President, Earl of Burlington, Mr. Secretary Ver-
Lord Steward, Earl of Radnor, non,
Duke of Bolton, Earl of Barkeley, Mr. Chancellor of
Duke of Schonberg, Earl of Rochester, the Exchequer,
Duke of Leeds, Earl of Marlborough, Lord Chief Justice,
Lord Great Cham- Earl of Bradford, Sir Charles Hedges,
berlain, Earl of Romney, Mr. Smith,
Earl Marshall, Earl of Renalagh,
Lord High Admiral, Lord Ferrers,

THIS day the several Proprietors of East and West New Jersey in America, did in person present a deed of surrender by them executed under their hands and seals, to her Majesty in Council, and did acknowledge the same to be their act and deed, and humbly desire her Majesty to accept the same, that it might be enrolled in the Court of Chancery, whereby they did surrender their power of the Government of those plantations: Which her Majesty graciously accepted, and was pleased to order as it is hereby ordered, that the same be enrolled in her Majesty's said High Court of Chancery, whereby they did surrender their power of the Government of those plantations which her Majesty graciously accepted and was pleased to order, as it is hereby ordered, that the same be enrolled

in her Majesty's said High Court of Chancery, and the said instruments are to be delivered to Mr. Attorney General, who is to take care that the same be enrolled accordingly.

7 October, 1747

A true copy.

W. Sharpe,

Examined the foregoing copy, with the entry remaining in the register book in the office of his Majesty's privy Council at Whitehall, and found the same to contain a true copy.

John Waddell,

17 March 1747,

Examined the foregoing copy with the entry, remaining in the register book, in the office of his Majesty's privy Council at Whitehall, and found the same to contain a true copy.

James Hamilton,

Be it remembered, that on the tenth day of September, 1748, John Waddell of the city of New York, merchant, appeared before Robert Hunter Morris, Esq; Chief Justice of the Province of New Jersey, and being duly sworn on the holy evangelists, on his oath declared, that the name of John Waddell, signed to the preceeding certificate of the 7th of October, 1747, is the proper hand writing of the declarant, and that the matter contained in the said certificate is true,

Sworn as above,

John Waddell.

before me,

Robert Hunter Morris.

Agrees with an attested copy, being carefully examined and corrected by me,

John Smith, register of the Proprietors of East New Jersey.

Instructions for our Right Trusty and well beloved Edward Lord Cornbury,

Our Captain General and Governor, in Chief in and over our Province of Nova-Casarea, or New-Jersey, in America. Given at our Court at St. James's, the 16th Day of November, 1702, in the first year of our Reign.

1. **W**ITH these our instructions you will receive our Commission under our Great Seal of England, constituting you our Captain General and Governor in chief of our Province of New Jersey.

2. You are with all convenient speed to repair to our said Province, and being there arrived, you are to take upon you the execution of the place and trust we have reposed in you, and forthwith to call together the following persons, whom we do by these presents appoint and constitute members of our Council in and for that Province, viz. Edward Hunlock, Lewis Morris, Andrew Bowne, Samuel Jennings, Thomas Revill, Francis Devenport, William Pinborne, Samuel Leonard, George Deacon, Samuel Walker, Daniel Leeds, William Sanford, and Robert Quary, Esqrs.

3. And you are with all due solemnity, to cause our said Commission under our Great Seal of England, constituting you our Captain General and Governor in Chief as aforesaid, to be read and published at the said meeting of our Council, and to cause proclamation to be made in the several most publick places of our said Province, of your being constituted by us our Captain General and Governor in Chief as aforesaid.

4. Which being done you shall yourself take, and also administer to each of the members of our said Council, so ap-

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pointed by us, the oaths appointed by act of Parliament to be taken instead of the oaths of allegiance and supremacy, and the oath mentioned in an act, entitled, an act to declare the alteration in the oath appointed to be taken, by the act entitled, an act for the further security of his Majesty's person, and the succession of the crown in the Protestant line and for extinguishing the hopes of the pretended Prince of Wales, and all other pretenders and their open and secret abettors, and for declaring the association to be determined. As also the test mentioned in an act of Parliament made in the 25th year of the reign of King CHARLES the Second, entitled, an act for preventing dangers which may happen from Popish recusants, together with an oath for the due execution of your and their places and trusts, as well with regard to the equal and impartial administration of justice in all causes that shall come before you, as otherwise, and likewise the oath required to be taken by Governors of plantations to do their utmost, that the laws relating to the plantations be observed.

5. You are forthwith to communicate unto our said Council, such and so many of these our instructions, wherein their advice and consent are mentioned to be requisite, as likewise all such others from time to time, as you shall find convenient for our service to be imparted to them.

6. And whereas the inhabitants of our said Province have of late years been unhappily divided, and by their enmity to each other, our service and their own welfare has been very much obstructed, you are therefore in the execution of our Commission to avoid the engaging your self in the parties which have been form'd amongst them, and to use such impartiality and moderation to all, as may best conduce to our service and the good of the Colony.

7. You are to permit the members of our said Council to have and enjoy freedom of debate, and vote in all affairs of publick concern, that may be debated in Council.

8. And altho' by our Commission aforesaid, we have

thought fit to direct that any three of our councillors make a quorum, it is nevertheless our will and pleasure, that you do not act with a quorum of less then five members except in case of necessity.

9. And that we may be always informed of the names and characters of persons fit to supply the vacancies which shall happen in our said Council, you are to transmit unto us by one of our principal Secretary's of State, and to our commissioners for trade and plantations, with all convenient speed, the names and characters of six persons inhabitants of the Eastern Division, and six other persons inhabitants of the Western Division of our said Province, whom you shall esteem the best qualified for that trust, and so from time to time when any of them shall dye, depart out of our said Province, or become otherwise unfit, you are to nominate unto us so many other persons in their stead, that the list of twelve persons fit to supply the said vacancies, viz. six of the East, and six out of the West Division as aforesaid, may be always compleat.

10. You are from time to time to send to us as aforesaid, and to our commissioners for trade and plantations, the names and qualities of any members by you put into our said Council, by the first conveniency after you so doing.

11. And in the choice and nomination of the members of our said Council, as also of the principal officers, judges, assistants, justices and sheriffs, you are allways to take care that they be men of good life and well affected to our government, of good estates and abilities, and not necessitous people or much in debt.

12. You are neither to augment nor diminish the number of our said Council, as it is hereby established, nor to suspend any of the present members thereof without good and sufficient cause: And in case of suspension of any of them, you are to cause your reasons for so doing, together with the charges and proofs against the said persons, and their answers thereunto (unless you have some extraordinary reason to the contrary) to be duly entered upon the Council books, and you are forthwith

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to transmit the same, together with your reasons for not entering them upon the Council books, (in case you do not enter them) unto us and to our commissioners for trade and plantations as aforesaid.

13. You are to signify our pleasure unto the members of our said Council that if any of them shall at any time hereafter absent themselves, and continue absent above the space of two months together from our said Province without leave from you, or from our Governor or Commander in Chief of our said Province, for the time being, first obtained ; or shall remain absent for the space of two years or the greater part thereof successively without our leave given them under our royal sign manual, their place or places in our said Council, shall immediately thereupon become void, and that we will forthwith appoint others in their stead.

14. And in order to the better consolidating and incorporating the two divisions of East and West New Jersey, into and under one government, our will and pleasure is, that with all convenient speed, you call together one General Assembly for the enacting of laws for the joint and mutual good of the whole ; and that the said General Assembly do sit in the first place at Perth Amboy, in East New Jersey, and afterwards the same, or other the next General Assembly at Burlington, in West New Jersey ; and that all future General Assemblies do set at one or the other of those places alternately, or (in cases of extraordinary necessity) according as you with the advice of our foresaid Council, shall think fit to appoint them.

15. And our further will and pleasure is, that the General Assembly so to be called, do consist of four and twenty representatives ; who are to be chosen in the manner following, viz. Two by the inhabitants house-holders of the city or town of Perth Amboy, in East New Jersey, two by the inhabitants house-holders of the city and town of Burlington in West New Jersey ; ten by the freeholders of East New Jersey, and ten by the freeholders of West New Jersey ; and that no person shall be capable of being elected a representative by the freeholders of either division, or

afterwards of sitting in General Assembly's, who shall not have one thousand acres of land of an estate of freehold, in his own right, within the division for which he shall be chosen ; and that no freeholder shall be capable of voting in the election of such representative, who shall not have one hundred acres of land of an estate of freehold in his own right, within the division for which he shall so vote : And that this number of representatives shall not be enlarged or diminished, or the manner of electing them altered, otherwise then by an act or acts of the General Assembly there, and confirmed by the approbation of us, our heirs and successors.

16. You are with all convenient speed to cause a collection to be made of all the laws, orders, rules, or such as have hitherto served or been reputed as laws amongst the inhabitants of our said Province of Nova Cæsaria or New Jersey, and together with our aforesaid Council and Assembly, you are to revise, correct, and amend the same, as may be necessary ; and accordingly to enact such and so many of them, as by you with the advice of our said Council and Assembly, shall be judged proper and conducive to our service, and the welfare of our said Province, that they may be transmitted unto us, in authentick form, for our approbation or disallowance.

17. You are to observe in the passing of the said laws, and of all other laws, that the stile enacting the same, be by the Governor, Council and Assembly, and no other.

18. You are also as much as possible to observe in the passing of all laws, that whatever may be requisite upon each different matter, be accordingly provided for by a different law, without intermixing in one and the same act, such things as have no proper relation to each other ; and you are especially to take care that no clause or clauses be inserted in, or annexed to any act which shall be foreign to what the title of such respective act imports.

19. You are to transmitt authentic copies of the

forementioned laws that shall be enacted, and of all laws, statutes, and ordinances which shall at any time hereafter be made or enacted within our said Province, each of them separately, under the publick seal, unto us and to our said commissioners for trade and plantations, within three months or by the first opportunity after their being enacted, together with duplicates thereof by the next conveyance, upon pain of our high displeasure, and of the forfeiture of that years salary, wherein you shall at any time, or upon any pretence whatsoever, omit to send over the said laws, statutes and ordinances as aforesaid, within the time above limited, as also of such other penalty as we shall please to inflict. But if it shall happen that during time of war, no shipping shall come from our said Province or other our adjacent or neighboring plantations, within three months after the making such laws, statutes and ordinances, whereby the same may be transmitted as aforesaid, then the said laws, statutes, and ordinances are to be so transmitted as aforesaid, by the next conveyance after the making thereof, whenever it may happen, for our approbation or disallowance of the same.

20. You are to take care that in all acts or orders to be passed within that our Province in any case for levying money or imposing fines and penalties, express mention be made that the same is granted or reserved to us, our heirs or successors for the publick uses of that our Province, and the support of the government thereof, as by the said act or orders shall be directed.

21. And we do particularly require and command, that no money, or value of money whatsoever, be given or granted by any act or order of Assembly, to any Governor, Lieutenant Governor, or commander in chief of our said Province, which shall not according to the stile of acts of Parliament in England, be mentioned to be given and granted unto us, with the humble desire of such Assembly, that the same be applied to the use and behoof of such Governor, Lieutenant Governor, or commander in chief, if we shall so think fit; or if we shall not approve of such gift or application, that the said money or value of money be then

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dispose of and appropriated to such other uses as in the said act or order shall be mentioned, and that from the time the same shall be raised, it remain in the hands of the receiver of our said Province until our royal pleasure shall be known therein.

22. You shall also propose with the said General Assembly, and use your utmost endeavours with them, that an act be passed for raising and settling a publick revenue for defraying the necessary charge of the government of our said Province, in which provision be particularly made for a competent salary to yourself, as Captain General and Governor in Chief of our said Province, and to other our succeeding Captain Generals, for supporting the dignity of the said office, as likewise due provision for the salaries of the respective members of our Council and Assembly, and of all other officers necessary for the administration of that government.

23. Whereas it is not reasonable that any of our Colonies or plantations should by virtue of any exemptions or other priviledges whatsoever, be allowed to seek and pursue their own particular advantages, by methods tending to undermine and prejudice our other colonies and plantations, which have equal title to our royal care; and whereas the trade and welfare of our Province of New York, would be greatly prejudiced, if not intirely ruined, by allowing unto the inhabitants of Nova Cæsaria, or New Jersey, any exemption from those charges, which the inhabitants of New York are liable to, you are therefore in the settling of a publick revenue as before directed, to propose to the Assembly, that such customs, duties and other impositions be laid upon all commodities imported or exported in or out of our said Province of Nova Cæsaria, or New Jersey, as may equal the charge that is or shall be laid upon the like commodities in our Province of New York.

24. And whereas we are willing in the best manner to provide for the support of the government of our said Province, by setting a part sufficient allowances to such as shall be our Governor or commander in chief, residing for the time being within the same. Our will and

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pleasure therefore is, that when it shall happen, that you shall be absent from the territories of New Jersey and New York, of which we have appointed you Governor, one full moiety of the salary and of all perquisites and emoluments whatsoever, which would otherwise become due unto you, shall, during the time of your absence from the said territories, be paid and satisfied unto such Governor or Commander in Chief who shall be resident upon the place for the time being, which we do hereby order and allot unto him towards his maintenance, and for the better support of the dignity of that our government.

25. Whereas great prejudice may happen to our service and the security of our said Province under your government by your absence from those parts, without a sufficient cause and especial leave from us ; for prevention thereof, you are not upon any pretence whatsoever to come to Europe from your government, without first having obtained leave for so doing, under our signet and sign manual, or by our order in our privy Council.

26. You are not to permit any clause whatsoever to be incerted in any law for the levying money, or the value of money, whereby the same shall not be made liable to be accounted for unto us here in England, and to our high treasurer, or to our commissioners of our treasury for the time being.

27. You are to take care that fair books of accounts of all receipts and payments of all such money be duly kept, and the truth thereof attested upon oath, and that the said books be transmitted every half year, or oftener, to our high treasurer or to our commissioners of our treasury for the time being, and to our commissioners for trade and plantations, and duplicates thereof by the next conveyance ; in which books shall be specified, every particular sum raised or disposed of, together with the names of the persons to whom any payment shall be made, to the end we may be satisfied of the right and due application of the revenue of our said Province.

28. You are not to suffer any publick money what-

soever, to be issued or disposed of otherwise then by warrant under your hand, by and with the advice and consent of our said Council ; but the Assembly may be nevertheless permitted from time to time to view and examine the accounts of money, or value of money, disposed of by virtue of laws made by them, which you are to signify unto them as there shall be occasion.

29. And it is our express will and pleasure, that no law for raising any imposition of wines or other strong liquors, be made to continue for less than one whole year: As also that all laws whatsoever for the good government and support of our said Province, be made indifinite, and without limitation of time, except the same be for a temporary end, which shall expire and have its full effect within a certain time.

30. And therefore you shall not re-enact any law which shall have been once enacted there by you, except upon very urgent occasions, but in no case more than once without our express consent.

31. You shall not permit any act or order to pass in our said Province, whereby the price or value of the current coin within your government, (whether it be foreign or belonging to our dominions) may be altered, without our particular leave or direction for the same.

32. And you are particularly not to pass any law or do any act, by grant, settlement, or otherwise, whereby our revenue, after it shall be settled, may be lessened or impaired, without our especial leave or commands therein.

33. You shall not remit any fines or forfeitures whatsoever, above the sum of ten pounds, nor dispose of any escheats, fines or forfeitures whatsoever, until upon signifying unto our high treasurer, or to our commissioners of our treasury for the time being, and to our commissioners for trade and plantations, the nature of the offence and the occasion of such fines forfeitures or escheats, with the particular sums or value thereof, (which you are to do with all speed) you shall

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have received our directions therein, but you may in the meantime suspend the payment of the said fines and forfeitures.

34. You are to require the Secretary of our said Province, or his deputy for the time being, to furnish you with transcripts of all such acts and publick orders as shall be made from time to time, together with a copy of the journals of the Council, to the end the same may be transmitted unto us, and to our commissioners for trade and plantations as above directed, which he is duly to perform upon pain of incurring the forfeiture of his place.

35. You are also to require from the Clerk of the Assembly, or other proper officer, transcripts of all the journals, and other proceedings of the said Assembly, to the end the same may in like manner be transmitted as aforesaid.

36. Our will and pleasure is, that for the better quieting the minds of our good subjects, inhabitants of our said Province, and for settling the properties and possessions of all persons concerned therein, either as general Proprietors of the said under the first original grant of the said Province, made by the late King CHARLES the Second, to the late Duke of York, or as particular purchasers of any parcels of land from the said general Proprietors, you shall propose to the General Assembly of our said Province, the passing of such act or acts, whereby the right and property of the said general Proprietors, to the soil of our said Province, may be confirmed to them, according to their respective rights and title ; together with all such quit-rents as have been reserved, or are or shall become due to the said general Proprietors, from the inhabitants of our said Province ; and all such privileges as are exprest in the conveyances made by the said Duke of York, excepting only the right of government, which remains in us : And you are further to take care, that by the said act or acts so to be passed, the particular titles and estates of all the inhabitants of that Province, and other purchasers claiming under the said general Proprietors, be confirmed and settled as of right does appertain, under such obligations as shall tend to the best

and speediest improvement or cultivation of the same. *Provided always*, that you do not consent to any act or acts, to lay any tax upon lands that lye unprofitable.

37. You shall not permit any other person or persons besides the said general Proprietors, or their agents, to purchase any land whatsoever from the Indians within the limits of their grant.

38. You are to permit the surveyors and other persons appointed by the forementioned general Proprietors of the soil of that Province, for surveying and recording the surveys of land granted by and held of them, to execute accordingly their respective trusts: And you are likewise to permit, and if need be, aid and assist such other agent or agents, as shall be appointed by the said Proprietors for that end, to collect and receive the quit rents which are or shall be due unto them, from the particular possessors of any parcels or tracts of land from time to time. *Provided always*, that such surveyors, agents or other officers appointed by the said general Proprietors, do not only take proper oaths, for the due execution and performance of their respective offices or employments, and give good and sufficient security for their so doing, but that they likewise take the oaths appointed by act of Parliament to be taken instead of the oaths of allegiance and supremacy, and the oath mentioned in the aforesaid act, entitled, An act to declare the alteration in the oath appointed to be taken by the act, entitled, An act for the further security of his Majesty's person, and the succession of the Crown in the Protestant line, and for extinguishing the hopes of the pretended Prince of Wales, and all other pretenders, and their open and secret abettors, and for declaring the association to be determined. As also the forementioned test. And you are more particularly to take care that all lands purchased from the said Proprietors, be cultivated and improved, by the possessors thereof.

39. You shall transmit unto us, and to our commissioners for trade and plantations, by the first opportunity, a map with the exact description of our whole ter-

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ritory under your government, and of the several plantations that are upon it.

40. You are likewise to send a list of officers employed under your government, together with all publick charges.

41. You shall not displace any of the judges, justices, sheriffs, or other officers or ministers within our said Province, without good and sufficient cause to be signified unto us, and to our said commissioners for trade and plantations, and to prevent arbitrary removal of judges and justices of the peace, you shall not express any limitation of time in the commissions which you are to grant, with the advice and consent of the Council of our said Province, to persons fit for those employments, nor shall you execute yourself, or by deputy any of the said offices, nor suffer any persons to execute more offices then one by deputy.

42. Whereas we are given to understand that there are several offices within our said Province granted under the great seal of England, and that our service may be very much prejudiced by reason of the absence of the patentees, and by their appointing Deputies not fit to officiate in their stead, you are therefore to inspect the said offices, and to inquire into the capacity and behaviour of the persons now exercising them, and to report thereupon to us, and to our commissioners for trade and plantations, what you think fit to be done or altered in relation thereunto ; and you are upon the misbehaviour of any of the said patentees, or their Deputies, to suspend them from the execution of their places ; till you shall have represented the whole matter and received our directions therein ; but you shall not by colour of any power or authority hereby or otherwise granted or mentioned to be granted unto you, take upon you to give, grant or dispose of any office or place within our said Province, which now is or shall be granted under the great seal of England, any further then that you may upon the vacancy of any such office or place, or suspension of any such officer by you as aforesaid, put in any fit person to officiate in the intervall till you shall have represented the matter unto us,

and to our commissioners for trade and plantations as aforesaid (which you are to do by the first opportunity) and till the said office or place be disposed of by us, our heirs or successors, under the great seal of England, or that our further directions be given therein.

43. In case any goods, money or other estate of pirates, or piratically taken, shall be brought in, or found within our said Province of Nova Cæsaria, or New Jersey, or taken on board any ships or vessels, you are to cause the same to be seized and secured until you shall have given us an account thereof, and received our pleasure concerning the disposal of the same: But in case such goods or any part of them are perishable, the same shall be publick sold and disposed of, and the produce thereof in like manner secured until our further order.

44. And whereas commissions have been granted unto several persons in our respective plantations in America, for the trying of pirates in those parts, pursuant to the act for the more effectual suppression of piracy, and by a commission already sent to our Province of New York, you (as Captain General and Governor, in chief of our said Province of New York) are impowered, together with others therein mentioned, to proceed accordingly in reference to our Provinces of New York, and New Jersey, and Connecticut; our will and pleasure is, that in all matters relating to pirates, you govern yourself according to the intent of the act and commission aforementioned: but whereas accessories in cases of piracy beyond the seas, are by the same act left to be tried in England, according to the statute of the Second of King HENRY the Eighth. We do hereby further direct and require you to send all such accessories in cases of piracy in our foresaid Province of Nova Casaria, or New Jersey, with the proper evidences that you may have against them, into England, in order to their being tryed here.

45. You shall not erect any court or office of judicature, not before erected or established, without our especial order.

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46. You are to transmit unto us, and to our commissioners for trade and plantations, with all convenient speed, a particular account of all establishments of jurisdictions, courts, offices, and officers, powers, authorities, fees and privileges which shall be granted or settled within the said Province, by virtue, and in pursuance of our commission and instructions to you our Captain General and Governor, in chief of the same, to the end you may receive our further directions therein.

47. And you are with the advice and consent of our said Council, to take especial care, to regulate all salaries and fees belonging to places, or paid upon emergencies, that they be within the bounds of moderation, and that no exaction be made on any occasion whatsoever ; as also that tables of all fees be publickly hung up in all places where such fees are to be paid ; and you are to transmitt copies of all such tables of fees to us, and to our commissioners for trade and plantations as aforesaid.

48. Whereas it is necessary that our rights and dues be preserved and recovered, and that speedy and effectual justice be administred in all cases relating to our revenue, you are to take care that a court of exchequer be called and do meet at all such times as shall be needfull, and you are to inform us and our commissioners for trade and plantations, whether our service may require, that a constant court of exchequer be settled and established there.

49. You are to take care that no man's life, member, freehold, or goods be taken away or harmed in our said Province, otherwise then by established and known laws, not repugnant to, but as much as may be agreeable to the laws of England.

50. You shall administer, or cause to be administred, the oaths appointed by act of Parliament to be taken instead of the oaths of allegiance and supremacy, and the oath mentioned in the foresaid act, entitled, an Act to declare the alteration in the oath appointed to be taken, by the act. entitled, an Act for the further security

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of his Majesty's person, and the succession of the crown in the Protestant line and for extinguishing the hopes of the pretended Prince of Wales, and all other pretenders, and their open and secret abettors, and for declaring the association to be determined, as also the forementioned test, to the members and officers of the Council and Assembly, and to all judges, justices, and all other persons that hold any office or place of trust or profit in the said Province, whether by virtue of any patent under our great seal of England, or otherwise, without which you are not to admit any person whatsoever into any publick office, nor suffer those who have been admitted formerly to continue therein.

51. You are to permit a liberty of conscience to all person (except Papists) so they may be contented with a quiet and peaceable enjoyment of the same, not giving offence or scandal to the government.

52. And whereas we have been informed that divers of our good subjects inhabiting those parts, do make a religious scruple of swearing, and by reason of their refusing to take an oath in courts of justice and other places, are or may be liable to many inconveniencies, our will and pleasure is, that in order to their ease in what they conceive to be matter of conscience, so far as may be consistent with good order and government, you take care that an act be passed in the General Assembly of our said Province, to the like effect as that past here in the 7th and 8th year of his Majesty's reign, entitled, An act, that the solemn affirmation and declaration of the people called Quakers, shall be accepted, instead of an oath in the usual form, and that the same be transmitted to us, and to our commissioners for trade and plantations as before directed.

53. And whereas we have been further informed, that in the first settlement of the government of our said Province, it may so happen that the number of inhabitants fitly qualified to serve in our council in the General Assembly, and in other places of trust or profit there, will be but small; it tis therefore our will and pleasure, that such of the said people called Quakers, as shall be found capable of any of those places

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or employments, and accordingly be elected or appointed to serve therein, may upon their taking and signing the declaration of allegiance, to us in the form used by the same people here in England, together with a solemn declaration for true discharge of their respective trusts, be admitted by you into any of the said places or employments.

You shall send an account unto us, and to our commissioners for trade and plantations, of the present number of planters and inhabitants, men, women and children, as well masters as servants, free and unfree, and of the slaves in our said Province, as also a yearly account of the increase or decrease of them, and how many of them are fit to bear arms in the militia of our said Province.

You shall also cause an account to be kept of all person born, Christened and buried, and you shall yearly send fair abstracts thereof to us, and to our commissioners for trade and plantations as aforesaid.

You shall take care that all planters and Christian servants, be well and fitly provided with arms, and that they be listed under good officers, and when, as often as shall be thought fit, mustered and trained, whereby they may be in a better readiness for the defence of our said Province under your Government, and you are to endeavour to get an act past, (if not already done) for apportioning the number of white servants to be kept by every planter.

You are to take especial care, that neither the frequency, nor unreasonableness of their marches, musters, and trainings, be an unnecessary impediment to the affairs of the inhabitants.

You shall not, upon any occasion whatsoever, establish, or put in execution any articles of war, or other law martial, upon any of our subjects, inhabitants of our said Province, without the advice and consent of our Council there.

And whereas there is no power given you by your commission, to execute martial law in time of peace

upon soldiers in pay, and that nevertheless it may be necessary that some care be taken for the keeping of good discipline amongst those, that we may at any time think fit to send into our said Province, (which may properly be provided for by the legislative power of the same) you are therefore to recommend to the General Assembly of our said Province, that they prepare such act or law for the punishing of mutiny, desertion, and false musters, and for the better preserving of good discipline amongst the said soldiers, as may best answer those ends.

And whereas upon complaints that have been made of the irregular proceedings of the captains of some of our ships of war, in the pressing of seamen in several of our plantations, we have thought fit to order, and have given directions to our high admiral accordingly, that when any captain or commander of any of our ships of war, in any of our said plantations, shall have occasion for seamen to serve on board our ships under their command, they do make their applications to the Governors, and commanders in chief, of our plantations respectively, to whom, as vice admirals, we are please to commit the sole power of impressing seamen in any of our plantations in America, or in sight of any of them, you are therefore hereby required upon such application made to you, by any of the commanders of our said ships of war within our Province of Nova Cæsæria, or New Jersey, to take care that our said ships of war, be furnished with a number of seamen that may be necessary for our service on board them from time to time.

And whereas together with other powers of vice admiralty, you will receive authority from our dearest husband Prince GEORGE of Denmark, our High Admiral of England, and of our plantations, upon the refusal or neglect of any captain or commander of any of our ships of war, to execute the written orders he shall receive from you for our service, and the service of our Province under your government, or upon his negligent, or undue execution thereof, to suspend him, such captain or commander from the exercise of his said office of captain or commander, and to commit him into safe custody, either on board his own ship or

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elsewhere, at your discretion, in order to his being brought to answer for such refusal or neglect, by commission either under our great seal of England, or from our High Admiral. or our commissioners for executing the office of our High Admiral of England for the time being.

And whereas you will likewise receive directions from our said dearest husband, as our High Admiral of England, and of our plantations, that the captain or commander, so by you suspended, shall during such his suspension and commitment, be succeeded in his said office by such commission or warrant officer of our said ship, appointed by our said High Admiral of England, or by our commissioners for executing the office of our High Admiral of England for the time being, as by that known practice and discipline of our navy, does and ought to succeed him next as in case of death, sickness, or other ordinary disability happening to the commander of any of our ships of war and not otherwise, you standing also accountable for the truth and importance of the crime and misdemeanour, for which you shall so proceed to the suspending of such our captain or commander; you are not to exercise the said power of suspending any such captains or commanders of our ships of war, otherwise then by virtue of such commission or authority from our said High Admiral; any former custom or usage notwithstanding.

Whereas it is absolutely necessary, that we be exactly informed of the state of defence of all our plantations in America, as well in relation to the stores of war, that are in each plantation, as to the forts and fortifications there, and what more may be necessary to be built for the defence and security of the same, you are so soon as possible to prepare an account thereof, with relation to our said Province of Nova Cæsaria, or New Jersey, in the most particular manner, and you are therein to express the present state of the arms, ammunition and other stores of war, either in any publick magazines, or in the hands of private persons, together with the state of all places either already fortified, or that you judge necessary to be fortified for

the security of our said Province; and you are to transmit the said account to us, and to our commissioners for trade and plantations by the first opportunity, and other like accounts yearly in the same manner.

And that we may be the better informed of the trade of our said Province, you are to take especial care that due entries be made in all ports in our said Province, of all goods and commodities, their species or quantities imported or exported from thence, with the names, burden, and guns of all ships importing and exporting the same, also the names of their commanders, and likewise expressing from and to what places the said ships do come and go, a copy whereof the naval officer is to furnish you with, and you are to transmit the same unto us, our high treasurer or our commissioners of our treasury for the time being, and to our commissioners for trade and plantations quarterly, and duplicates thereof by the next conveyance.

And whereas great losses have been sustained by our subjects, trading to our plantations in America, by ships sailing from those parts without convoy, or without the company of other ships, which might protect them from our enemies, by which means many of them have been taken by the French in their return to England; to the end therefore the ships of our subjects may be better secured in their return home, you are to take care that during this time of war, no ships trading to our Province of Nova Casæria, or New Jersey, be permitted to come from thence to England, but in fleets, or under the convoy or protection of some of our ships of war, or at such a time as you shall receive notice from hence, of their meeting such convoys, as may be appointed for the bringing them safe to some of our ports in this kingdom; and in case of any danger, you are to expect directions from hence, what precautions shall be further necessary for their security.

You are likewise to examine what rates and duties are charged and payable upon any goods imported or exported within our Province of Nova Cæsaria, or New Jersey, whether of the growth or manufacture of

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the said Province or otherwise, and to use your best endeavours for the improvement of the trade in those parts.

And whereas orders have been given for the commissioning of fit persons to be officers of our admiralty and customs in our several plantations in America; and it is of great importance to the trade of this kingdom, and to the welfare of all our plantations, that illegal trade be every where discouraged. You are therefore to take especial care, that the acts of trade and navigation be duly put in execution; and in order thereunto, you are to give constant protection and all due encouragement to the said officers of our admiralty and customs, in the execution of their respective offices and trusts within our territories under your government.

You are from time to time to give an account as before directed, what strength your bordering neighbours have, be they Indians or others, by sea and land, and of the condition of their plantations, and what correspondence you do keep with them.

You shall take especial care, that God Almighty be devoutly and duly served throughout your government, the book of common prayer as by law established, read each Sunday, and holy-day, and the blessed sacrament administered according to the rights of the church of England.

You shall be careful that the churches already built there, be well and orderly kept, and that more be built, as the colony shall by God's blessing be improved; and that besides a competent maintainance, to be assigned to the minister of each orthodox church, a convenient house be built at the common charge for each minister, and a competent portion of land, assigned to him, for a glebe and exercise of his industry.

And you are to take care, that the parishes be so limited and settled, as you shall find most convenient, for the accomplishing this good work.

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You are not to prefer any minister to any clesiastical benefice in that our Province, without a certificate from the Right Reverend Father in God the Lord Bishop of London, of his being conformable to the doctrine and discipline of the church of England, and of a good life and conversation: And if any person already prefer'd to a benefice shall appear to you, to give scandal either, by his doctrine or manners, you are to use the best means for the removal of him, and to supply the vacancy in such manner as we have directed.

You are to give order, that every orthodox minister within your government, be one of the vestry in his respective parish, and that no vestry be held without him, except in case of sickness, or that after the notice of a vestry summon'd, he omit to come.

You are to enquire whether there be any minister within your government, who preaches and administer the sacrament in any orthodox church or chapple, without being in due orders, and to give account thereof to the said Lord Bishop of London.

And to the end the ecclesiastical jurisdiction of the said Lord Bishop of London, may take place in our said Province, so far as conveniently may be, we do think fit that you give all countenance and encouragement to the exercise of the same, excepting only the collating to benefices, granting licenses for marriages, and probate of wills, which we have reserved to you our Governor, and the commander in chief of said Province for the time being.

And you are to take especial care that a table of marriages established by the canons of the church of England, be hung up in every orthodox church, and duly observed, and you are to endeavour to get a law passed in the Assembly of our said Province, (if not already done) for the strict observation of the said table.

You are to take care that drunkenness and debauchery, swearing and blasphemy, be discountenanced and punished: And for the further discountenance of vice,

and encouragement of virtue and good living, (that by such example the infidels may be invited and desire to partake of the Christian religion) you are not to admit any person to publick trusts and employments in our said Province, under your government, whose ill fame and conversation may occasion scandal.

You are to suppress the engrossing of commodities as tending to the prejudice of that freedom which commerce and trade ought to have, and to settle such orders and regulations therein, with the advice of the Council, as may be most conducive to the benefit and improvement of that colony.

You are to give all due encouragement and invitation to merchants and others, who shall bring trade unto our said Province, or any way contribute to the advantage thereof, and in particular the Royal African Company of England.

And whereas we are willing to recommend unto the said company, that the said Province may have a constant and sufficient supply of merchantable negroes, at moderate rates, in money or commodities, so you are to take especial care, that payment be duly made, and within a competent time according to their agreements.

And you are take care that there be no trading from our said Province to any place in Africa, within the charter of the Royal African Company, otherwise then prescribed by an act of Parliament, entitled, An act to settle the trade to Africa.

And you are yearly to give unto us, and to our commissioners for trade and plantations, an account of what number of negroes, our said Province is yearly supplied with, and at what rates.

You are likewise from time to time, to give unto us, and to our commissioners for trade and plantations as aforesaid, an account of the want and defects of our said Province, what are the chief products thereof, what new improvements are made therein by the in-

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dustry of the inhabitants or planters, and what further improvements you conceive may be made, or advantages gained by trade, and in what manner we may best advance the same.

You are not to grant commissions of marque or reprizals, against any prince or state, or their subjects in amity with us, to any person whatsoever without our especial command.

Our will and pleasure is, that appeals be made in cases of error from the courts in our said Province of Nova-Cæsaria, or New Jersey, unto you and the Council there; and in your absence from our said Province, to our commander in chief for the time being, and our said Council, in civil causes, wherein such of our said Council as shall be at that time judges of the court from whence such appeal shall be made to you our Governor, and Council, or to the commander in chief for the time being, and Council as aforesaid, shall not be admitted to vote upon the said appeal, but they may nevertheless be present at the hearing thereof, to give the reasons of the judgment given by them, in the cause wherein such appeal shall be made. *Provided nevertheless*, that in all such appeals, the sum or value appealed for exceed one hundred pounds sterling, and that security be first duly given by the appellant to answer such charges as shall be awarded in case the first sentence be affirmed.

And if either party shall not rest satisfied with the judgment of you, or the Commander in Chief for the time being, and Council as aforesaid, our will and pleasure is, that they may then appeal unto us, in our privy Council, provided the sum or value so appealed for unto us, do exceed two hundred pounds sterling, and that such appeal be made within fourteen days after sentence; and that good security be given by the appellant, that he will effectually prosecute the same, and answer the condemnation, as also pay such costs and damages as shall be awarded by us, in case the sentence of you, or the commander in chief for the time being, and Council, be affirmed. And provided also, that execution be not suspended by reason of any such appeal to us.

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You are also to permit appeals to us in Council, in all cases of fines imposed for misdemeanours: provided the fines so imposed, amount to or exceed the value of two hundred pounds, the appeallant first giving good security, that he will effectually prosecute the same, and answer the condemnation, if the sentence by which such fine was imposed in our said Province of Nova Caesaria, or New Jersey, shall be confirmed.

You are for the better administration of justice, to endeavour to get a law passed (if not already done) wherein shall be set the value of men's estates, either in goods or lands, under which they shall not be capable of serving as jurors.

You shall endeavour to get a law past for the restraining of any inhuman severity, which by ill masters or overseers, may be used towards their Christian servants, and their slaves, and that provision be made therein, that the wilfull killing of Indians and negroes may be punished with death, and that a fit penalty be imposed for the maiming of them.

You are also with the assistance of the Council and Assembly, to find out the best means to facilitate and encourage the conversion of negroes and Indians, to the Christian religion.

You are to endeavour with the assistance of the Council, to provide for the raising of stocks, and building of publick work houses, in convenient places, for the employing of poor and indigent people.

You are to propose an act to be past in the Assembly, whereby the creditors of persons becoming bankrupts in England, and having estates in our aforesaid Province of New Jersey, may be releived and satisfied for the debts owing to them.

You are to encourage the Indians upon all occasions so as they may apply themselves to the English trade and nation, rather than to any other of Europe.

And whereas the preservation of the northern frontiers of our Province of New York, against the attempts of any enemy by land, is of great importance to the security of our northern plantations on the continent of America, and more especially of our said Province of New Jersey, which lyes so near adjoyning to our Province of New York, and the charge of erecting and repairing the fortifications, and of maintaining the soldiers necessary for the defence of the same, is too great to be born by the single Province of New York, without due contributions from others concerned therein, for which reason, we have upon several occasions, required such contributions to be made, and accordingly settled a quota to regulate the proportions thereof, you are therefore to take further care, to dispose the General Assembly of our said Province of New Jersey, to the raising of such other supplies, as are or may be necessary for the defence of our Province of New York, according to the signification of our will and pleasure therein, which has already been made to the inhabitants of New Jersey, or which shall at any time hereafter be made to you our Governor, or to the Commander in Chief of our said Province for the time being.

And in case of any distress of any of our plantations, you shall upon application of the respective Governors to you, assist them with what aid the condition and safety of your government will permit, and more particularly in case our Province of New York, be at any time attacked by an enemy, the assistance you are to contribute towards the defence thereof, whether in men or money is according to the forementioned quota or repartition which has already been signified to the inhabitants of our foresaid Province under your government, or according to such other regulation as we shall hereafter make in that behalf, and signify to you or the Commander in Chief of our said Province, for the time being.

And for the greater security of our Province of New Jersey, you are to appoint fit officers and commanders, in the several parts of the country bordering upon the Indians, who upon any invasion may raise men and arms to oppose them, untill they shall receive your directions therein.

And whereas we have been pleased by our commission to direct, that in case of your death or absence from our said Province, and in case there be at that time no person upon the place commissioned or appointed by us to be our Lieutenant Governor, or Commander in Chief, the then present Council of our said Province, shall take upon them the administration of the Government, and execute our said commission, and the several powers and authorities therein contained in the manner therein directed ; it is nevertheless our express will and pleasure, that in such case the said Council shall forbear to pass any acts, but what are immediately necessary for the peace and welfare of our said Province, without our particular order for that purpose.

You are to take care that all writs be issued in our name throughout our said Province.

Forasmuch as great inconveniencies may arise by the liberty of printing in our said Province, you are to provide by all necessary orders, that no person keep any press for printing, nor that any book, pamphlet or other matters whatsoever be printed without your especial leave and licence first obtained.

And if anything shall happen that may be of advantage and security to our said Province, which is not herein, or by our commission to you provided for, we do hereby allow unto you, with the advice and consent of our Council of our said Province, to take order for the present therein, giving unto us by one of our principal Secretaries of State, and to our commissioners for trade and plantations, speedy notice thereof that so you may receive our ratification if we shall approve of the same.

Provided always, that you do not by any colour of any power or authority hereby given you, commence or declare war, without our knowledge and particular commands therein, except it be against Indians, upon emergencies, wherein the consent of our Council shall be had, and speedy notice given thereof unto us as aforesaid.

And you are upon all occasions to send unto us by one of our principal secretaries of State, and to our commissioners for trade and plantations, a particular account of all your proceedings and of the condition of affairs within your government.

And whereas the Lords spiritual and temporal in Parliament, upon consideration of the great abuses practiced in the plantation trade, did by an humble address represent to his late Majesty, the great importance it is of both to this our kingdom and to our plantations in America, that the many good laws which have been made for the government of the said plantations, and particularly the act passed in the seventh and eighth years of his said Majesty's reign, entitled, an act for preventing frauds, and regulating abuses in the plantation trade, be strictly observed. You are therefore to take notice that whereas notwithstanding the many good laws made from time to time, for preventing frauds in the plantation trade, it is nevertheless manifest, that very great abuses have been and continue still to be practiced to the prejudice of the same, which abuses must needs arise, either from the insolvency of the persons who are accepted for the security, or from the remissness or connivance of such as have been, or are Governors in the several plantations, who ought to take care that those persons who give bond should be duly prosecuted, in case of non performance ; we take the good of our plantations and the improvement of the trade thereof, by a strict and punctual observance of the several laws in force concerning the same, to be of so great importance to the benefit of this our kingdom, and to the advancing of the duties of our customs here, that if we shall be hereafter informed, that at any time there shall be any failure in the due observance of those laws, within our foresaid Province of Nova Cæsaria, or New Jersey, by any willful fault or neglect on your part, we shall look upon it as breach of the trust reposed in you by us, which we shall punish with the loss of your place in that government, and such further marks of our displeasure, as we shall judge reasonable to be inflicted upon you, for your offence against us, in a mat-

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ter of this consequence, that we now so particularly charge you with.

A true copy.

Thomas Hill, Secretary.

7 October, 1747.

Examined the foregoing copy, with the entry in a bound book, intituled *Nova Cæsaria*, A. remaining in the office of the Lords commissioners for trade and plantations, at Whitehall, and found the same to contain a true copy.

John Waddell.

16th. December, 1747.

Examined the foregoing copy with the entry, in a bound book, remaining in the office of the Lords commissioners for trade and plantations, at Whitehall, and found the same to be a true copy.

James Hamilton.

Be it remembered, that on the tenth day of September, 1748, John Waddell of the city of New York, merchant, appeared before Robert Hunter Morris, Esq ; chief justice of the Province of New Jersey, and being duly sworn on the holy Evangelists, on his oath declared, that the name of John Waddell, signed to the preceeding certificate of the 7th of October, 1747, is the proper hand writing of the declarant, and that the matter contained in the said certificate is true,

Sworn as above,

John Waddell.

Before me,

Robert Hunter Morris.

Agrees with an attested copy, being carefully examined and corrected by me,

John Smith, Register of the Proprietors of East New Jersey.

Lord Cornbury's Commission.

ANNE by the grace of God of England, Scotland, France and Ireland, Queen, defender of the faith, &c. To our trusty and well beloved Edward Hyde, Esquire, commonly called Lord Cornbury, greeting. Whereas in the government of that country, which was formerly granted by King CHARLES the Second, under the name of Nova Cæsaria, or New Jersey, and which has since been subdivided by the proprietors and called East New Jersey, and West New Jersey, such miscarriages has happened that the said country is fallen into disorder and confusion, which has accordingly been represented to our dearest brother the late King in several petitions, memorials and other papers signed by the General Proprietors and by great numbers of the inhabitants: and by means of that disorder the publick peace and administration of justice, whereby the properties of our subjects should be preserved there, is interrupted and violated, and the guard and defence of that country so totally neglected, that the same is in eminent danger of being lost from the crown of England: And whereas the aforesaid Proprietors being sensible that the said country and our good subjects the inhabitants thereof cannot be defended and secured by any other means then by our taking the government of the same under our immediate care, have executed and made a formal and entire surrender of their right or pretended right and title to the government of that country unto us, we therefore reposing especial trust and confidence in the prudence, courage and loyalty of you the said Lord Cornbury, out of our especial grace, certain knowledge and meer motion, hath thought fit to constitute and appoint, and by these presents do constitute and appoint you the said Lord Cornbury, to be our Captain General and Governor in Chief in and over the aforesaid country of Nova Casæria, or New Jersey, viz. the Division of East and West New Jersey, in America, which we have thought fit to reunite into one Province, and settle under one entire government: And we do hereby require and command you to do and execute all things in due manner that shall belong unto your said command, and the trust we have

reposed in you, according to several powers and directions granted or appointed you by this present commission, and the instructions and authorities herewith given you, or by such further powers, instructions or authorities as shall at any time hereafter be granted, or appointed you under our signet and sign manual, or by our order in our privy Council, and according to such reasonable laws and statutes as shall be made and agreed upon by you, with the advice and consent of the Council and Assembly of our said Province, under your government, in such manner and form as is hereafter expressed. And our will and pleasure is, that you the said Lord Cornbury, having after the proclamation of these our Letters Patents, first taken the oaths appointed by act of Parliament to be taken instead of the oath of allegiance and supremacy, and the oath mentioned in an act, entitled, An act to declare the alteration in the oath appointed to be taken, by the act, entitled, an act for the further security of his Majesty's person, and the succession of the crown in the Protestant line, and for the extinguishing the hopes of the pretended Prince of Wales, and all other pretenders and their open and secret abettors, and for the declaring the association to be determined. As also the test mentioned in the act of Parliament made in the twenty fifth year of the reign of King CHARLES the Second, entitled, An act for preventing dangers which may happen from Popish rescuants, together with the oath for the due execution of the office and trust of our Captain General and Governor in Chief, in and over our said Province of Nova Cæsaria, or New Jersey, as well with regard to the equal and impartial administration of justice, in all causes that shall come before you, as otherwise, and likewise the oath required to be taken by Governors of plantations, to do the utmost that the laws relating to the plantations be observed ; all which our Council in our said Province, or any three of the members thereof, have hereby full power and authority, and are required to administer unto you, and in your absence our Lieutenant Governor, if there be any upon the place, you shall administer unto each of the members of our said Council, as also to our Lieutenant Governor, if there be any upon the place, as well the oath appointed by the act of Parliament to be taken

instead of the oath of allegiance and supremacy, and the oath mentioned in the said act, entitled, An act to declare the alteration in the oath appointed to be taken by an act, entitled, an act for the further security of his Majesty's person, and the succession of the Crown in the Protestant line, and for extinguishing the hopes of the pretended Prince of Wales, and all other pretenders, and their open and secret abettors, and for declaring the association to be determined : as the forementioned test, and the oath for the due execution of their places and trusts. And we do hereby give and grant unto you, full power and authority to suspend any of the members of our said Council from sitting, voting, and assisting therein, if you shall see just cause for so doing : And if it shall at any time happen that by the death, departure out of our said Province, or suspension of any of our said Councillors, or otherwise, there shall be wanting in our said Council, any three whereof we do appoint to be a quorum, our will and pleasure is, that you signify the same unto us, by the first opportunity, that we may under our signet and sign manual constitute and appoint others in their stead : but that our affairs may not suffer at that instant, for want of a due number of Councillors, if ever it should happen that there should be less than seven of them residing in our said Province, we do hereby give and grant unto you the said Lord Cornbury, full power and authority to chuse as many persons out of the principal freeholders, inhabitants thereof, as will make up the full number of our said Council to be seven, and no more, which persons so chosen and appointed by you, shall be to all intents and purposes Councillors in our said Province, until either they shall be confirmed by us, or that by the nomination of others by us, under our sign manual and signet, our said Council shall have seven or more persons in it. And we do hereby give and grant unto you full power and authority, with the advice and consent of our said Council from time to time, as need shall require, to summon and call general assemblies of the freeholders and planters within your government, in manner and form as shall be directed in our instructions which shall be given you, together with this our commission. Our will and pleasure is, that the persons thereupon duly elected, by the major part of the free-

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holders of the respective counties and places so returned, and having before sitting, taken the oaths appointed by act of parliament to be taken instead of the oaths of allegiance and supremacy, and the oath mentioned in the aforesaid act, entitled, An act to declare the alteration in the oath appointed to be taken by the act, entitled, an act for the further security of his Majesty's person, and the succession of the Crown in the Protestant line, and for extinguishing the hopes of the pretended Prince of Wales, and all other pretenders, and their open and secret abettors, and for declaring the association to be determined; as also the aforementioned test: Which oath you shall commissionate fit persons under our seal of Nova Cæsaria, or New Jersey, to administer unto them, and without taking of which oaths and subscribing the said tests, none shall be capable of setting though elected, shall be called and held the General Assembly of that our Province, and that you the said Lord Cornbury, by and with the advice and consent of our Council and Assembly, or the major part of them respectively, shall have full power and authority to make, constitute and ordain laws, statutes and ordinances, for the publick peace, welfare and good government of our said Province, and of the people and inhabitants thereof, and such others as shall report thereto, and for the benefit of us, our heirs and successors, which said laws, statutes, and ordinances are not to be repugnant, but as near as may be agreeable unto the laws and statutes of this our kingdom of England. Provided that all such laws, statutes and ordinances of what nature or duration soever, be within three months or sooner, after the making thereof, transmitted to us, under our seal of Nova Cæsaria, or New Jersey, for our approbation or disallowance of them, as also duplicates thereof by the next conveyance, or in case any or all of them being not before confirmed by us, shall at any time be disallowed and not approved, and so signified by us, our heirs or successors, under our or their sign manual and signet, or by order of our or their privy Council, unto you the said Lord Cornbury, or to the commander in chief of our said Province for the time being, than such and so many of them as shall be disallowed and not approved shall from thenceforth cease, determine, and become utterly void

and of none effect, any thing to the contrary thereof notwithstanding. And to the end that nothing may be passed or done by our said Council or Assembly, to the prejudice of our heirs and successors, we will and ordain, that you the said Lord Cornbury, shall have and enjoy a negative power in the making and passing of all laws, statutes and ordinance as aforesaid. And that you shall and may likewise from time to time, as you shall judge it necessary, adjourn, prorogue and dissolve, all general Assembly's. Our will and pleasure is, that you shall and may use and keep the publick seal of our Province of Nova Casaria, or New Jersey, for sealing all things whatsoever that pass the great seal of our said Province under your government. And we do further give and grant unto you the said Lord Cornbury, full power and authority, from time to time, and at all times hereafter, by your self, or by any other to be authorized by you, in that behalf to administer and give the oaths appointed by act of Parliament, instead of the oath of allegiance and supremacy, to all and every such person and persons as you shall think fit, who shall at any time or times pass into our said Province, or shall be resident or abiding there. And do further give and grant unto you, full power and authority, with the advice and consent of our said Council, to erect, constitute and establish such and so many courts of judicature and publick justice within our said Province under your government, as you and they shall think fit and necessary, for the hearing and determining of all causes as well criminal as civil, according to law and equity, and for awarding execution thereupon with all reasonable and necessary powers, authorities, fees and priviledges belonging unto them; and also to appoint and commissionate fit persons in the several parts of your government, to administer the oaths appointed by act of Parliament to be taken instead of the oath of allegiance and supremacy, and the oath mentioned in the aforesaid act, entitled, an act to declare the alteration in the oath to be taken by the act, entitled, An act for the further security of his Majesty's person, and the succession of the crown in the Protestant line, and for the extinguishing the hopes of the pretended Prince of Wales, and all other pretenders, and their open and secret abettors, and

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for declaring the association to be determined ; as also the test, unto such persons as shall be obliged to take the same. And we do hereby authorize and impower you to constitute and appoint judges, and in cases requisite commissioners of Oyer and Terminer, justices of the peace, and other necessary officers and magistrates in our said Province, for the better administration of justice, and putting the laws in execution ; and to administer, or cause to be administred unto them, such oath or oaths as are usually given for the due execution and performance of offices and places, and for the clearing of truth in judicial causes. And we do hereby give and grant unto you, full power and authority where you shall see cause, or judge any offender or offenders in criminal matters, or any fines or forfeitures due unto us, fit objects of our mercy, to pardon all such offenders and to remit all such offences, fines and forfeitures, treasons and wilful murder only excepted, in which case you shall likewise have power upon extraordinary occasions, to grant reprises to the offenders, until and to the intent our royal pleasure may be known therein. And we do by these presents authorize and impower you to collate any person or persons to any churches, chapples or other ecclesiastical benefices within our said Province, as often as any of them shall happen to be void. And we do hereby give and grant unto you the said Lord Cornbury, by your self, and by your captains and commanders, by you to be authorized, full power and authority to levy, arm, muster, command and employ all persons whatsoever residing within our said Province of Nova Cæsaria, or New Jersey, and as occasion shall serve them, to transport from one place to another for the resisting and withstanding of all enemies, pirates, and rebels, both at sea and land, and to transport such forces to any of our plantations in America, if necessity shall require, for the defence of the same against the invasion and attempts of any of our enemies, pirates and rebels, if there shall be occasion to pursue and prosecute in or out of the limits of our said Province and plantations, or any of them ; and if it shall please God them to vanquish, apprehend and take, and being taken either according to law, to put to death, or keep and preserve alive at your discretion, and to execute martial law,

in time of invasion, insurrection or war, and to do and execute all and every other thing and things, which to any Captain General and Governor in Chief, doth or ought of right to belong. And we do hereby give and grant unto you full power and authority, by and with the advice and consent of our said Council, to erect, raise and build in our said Province of Nova Cæsaria, or New Jersey, such and so many forts, platforms, castles, cities, boroughs, towns, and fortifications, as you by the advice aforesaid, shall judge necessary, and the same, or any of them, to fortify and furnish with ordinance, ammunition, and all sorts of arms fit and necessary for the security and defence of our said Province: and by the advice aforesaid, the same or any of them again to demolish or dismantle as may be most convenient. And forasmuch as many mutinies and disorders may happen, by persons shipped and employed at sea, during the time of war, to the end that such as shall be shipped and employed at sea during the time of war, may be better governed and ordered, we do hereby give and grant unto you the said Lord Cornbury, full power and authority to constitute and appoint captains, lieutenants, masters of ships, and other commanders and officers, and to grant unto such captains, lieutenants, masters of ships, and other commanders, and officers, commissioners, to execute the law martial during the time of war, and to use such proceedings, authorities, corrections, executions, upon any offender or offenders who shall be mutinous, seditious, disorderly, or any ways unruly at sea, or during the time of their abode or residence in any of the ports, harbours, or quays of our said Province, as the cause shall be found to require according to martial law, during the time of war as aforesaid. Provided, that nothing herein contained, shall be construed to the enabling you, or any by your authority, to hold plea or have any jurisdiction of any offence, cause, matter or thing committed or done upon the high sea, or within any of the harbours, rivers or creeks of our said Province under your government, by any captain, commander, lieutenant, master, officer, sea man, soldier, or other person whatsoever, who shall be in actual service and pay, in or a board any of our ships of war, or the vessels acting by immediate commission,

or warrant from our high admiral of England, under the seal of our admiralty, or from the commissioners for executing the office of our high admiral of England for the time being, but that such captain, commander, lieutenant, master, officers, sea men, soldiers, and other persons offending, shall be let to be proceeded against as the merit of their offences shall require, either by commission under our great seal of England, as the statute of the twenty eighth of King HENRY the Eighth directs, or by commission from our high admiral of England, or from our commissioners for executing the office of our high admiral of England, for the time being, according to the act of Parliament passed in the thirteenth year King CHARLES the Second, entitled An act for establishing articles and orders, for the regulating and better government of his Majesty's navy, ships of war, and forces by sea, and not otherwise. *Provided nevertheless* that all disorders and misdemeanors committed on shore by any captain, commander, lieutenant, master, officer, seaman, soldier, or any other person whatsoever, belonging to any of our ships of war, or other vessels acting by immediate commission, or warrant from our high admiral of England, under the seal of our admiralty, or from our commissioners for executing the office of high admiral of England, for the time being, may be tryed and punished according to the laws and place where any such disorder, offences and misdemeanours, shall be committed on shore, notwithstanding such offender be in our actual service and in our pay on board any such our ships of war or other vessels, acting by immediate commission or warrant from our high admiral, or from our commissioners for executing the office of high admiral for the time being as aforesaid, so as he shall not receive any protection for the delaying of justice, for such offences committed on shore, from any pretence of his being employed in our service at sea. Our will and pleasure is, that all publick money raised, or shall be raised by any act hereafter to be made within our said Province, and issued out by warrant from you, by and with the advice and consent of our Council, and disposed of by you for the support of the government, and otherwise, we do hereby give you the said Lord

Cornbury, full power and authority to order and appoint fairs, marts, and markets, as also such and so many ports, harbours, cays, havens, and other places for the conveniency and security of shipping, and for the loading and unloading of goods and merchandize, as by you, with the advice and consent of our said Council, shall be thought fit and necessary. And we do hereby require and command all officers and magistrates, civil and military, and all other the inhabitants of our said Province, to be obedient, aiding and assisting unto you the said Lord Cornbury, in the execution of this our commission, and of the powers and authorities herein contained ; and in case of your death or absence out of our said Province, to be obedient, aiding and assisting to such person as shall be appointed by us, to be our lieutenant governor or commander in chief of the said Province, to who we do therefore by these presents, give and grant all and singular the privileges and authorities aforesaid, to be by him executed and enjoyed during our pleasure, or until your arrival within our said Province : And if upon your death or absence out of our said Province there be no person upon the place commissioned or appointed by us to be our lieutenant governor, or commander in chief of the said Province, our will and pleasure is, that the then present Council of our said Province, do take upon them the administration of the government, and execute this commission, and the several powers and authorities herein contained, and that such councillor who shall be at the time of your death or absence, residing within our said Province, and nominated by our instructions to you, before any other at that time residing there, do preside in our said Council, with such privileges and preeminences as may be necessary in those circumstances, for the due and orderly carrying on the publick service in the administration of the government as aforesaid, untill our pleasure be further known, or untill your return. Lastly we do hereby declare, ordain and appoint, that you the said Lord Cornbury, shall and may hold, execute and enjoy the office and place of Captain General and governor in chief, in and over our Province of Nova Cæsaria, or New Jersey, together with all and singular the powers and authorities hereby granted unto you, for and during our will and pleasure from and after the publica-

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tion of this our commission. In witness whereof we have caused these our letters to be made pattens. Witness our self at Westminster, the fifth day of December, in the first year of our reign.

Per bre probate, Sigillo. WRIGHTE.

The foregoing is a true copy taken from and compared with the record in the secretary's office at Burlington, in Lib. A. A. A. of commissions, folio 1st.

Examined per

SAMUEL PEART, D. Secretary.

To the Right Honourable the
Lords Commissioners for
Trade and Plantations.

The humble Memorial of the Proprietors
of the Western Division, of the Prov-
ince of New Jersey, in America.

WE humbly acknowledge your Lordships great justice in making the terms of our surrender of government, part of the Lord Cornbury's instructions relating to the said Province, and heartily wish his Excellency had given us occasion of acknowledging his due observation of the instructions, instead of troubling your lordships with a complaint of his breach of them, which we are credibly informed his Excellency has made in the following instances, but endeavours to palliate them, by frequently and publickly asserting, that your lordships consented to no terms upon our surrender.

It is one of the terms consented to by your Lordships, and one of his Excellency's instructions from your Lordships, that the General Assembly shall consist of four and twenty representatives, two to be chosen by the inhabitants, householders of the city or town of Perth Amboy, two by the inhabitants householders of the city or town of Burlington, and ten to be chosen by the freeholders of the Eastern, and ten by the freeholders of the Western Division; in which elections every elector is to have one hundred acres of freehold lands in his own right within the division for which he shall give his vote, and every person elected is to have one thousand acres of freehold lands in his own right within the division for which he shall be chosen.

This instruction, which we looked upon to be the

chief security of our estates in the Province, his Excellency has violated in two several instances.

After the election of the last Assembly, Mr. Revell, and Mr. Leeds, (two of the Governor's Council) at their first meeting objected against three of the persons returned as not having each one thousand acres of land: though these men had such estates in land, and were generally known to have so, and offer'd to make oath of it, and many other elected members petitioned to have them admitted to their right, yet his Excellency would not suffer the house, who are the only proper judges of their own members, to examine and determine this matter; but upon the bare suggestion of the two members of the Council, who ought not to intermeddle with elections, refused to swear those three persons with the rest of the representatives, and yet did not order others to be chosen in their places; whereby the Province lost the service of three members during that sessions. This we conceive to be such an invasion of the rights of the Assembly, as tends to overthrow the constitution of it, and is an assuming a negative vote to the freeholders election of their representatives.

His Excellency has encouraged and passed an act of Assembly for altering the qualifications of the electors and elected, wherein a sum of money is made an equivalent qualification with land, which he endeavours to justify by alledging, that trading men, who were very well qualified to serve, could not be elected, because they had not one thousand acres of land, tho' they had twice that value in money, and others who had so much land and had no money were elected.

We conceive his Excellency has no authority nor colour from his instruction for passing this act, and the reasons he alledges are not sufficient to justify it; for though the instruction relating to elections of General Assembly's allow an alteration by act of Assembly of the number of the representatives, and of the manner of their being elected, yet it leaves no power to the General Assembly to alter the qualifications of the electors or elected, which was intended to be a standing and unaltera-

ble part of the constitution, as most agreeable to the constitution of England ; where the electors of knights of shires, must have a certain fixed freehold, and the elected are generally the principal landed men of their respective county's ; for certainly those persons are fittest to be trusted with choosing and being legislators, who have a fixed valuable and permanent interest in lands, and must stand and fall with their country ; but money is an uncertain interest, and if it be admitted a qualification equal to land, an Assembly may be packed of strangers and beggars, who will have little regard to the good of the country, from whence they can remove at pleasure, and may oppress the landed men with heavy taxes.

It is another term of our surrender, and an instruction to his lordship, that no act should be made to lay any tax upon lands that lie unprofitable.

But his Excellency has, notwithstanding, encouraged and assented to a bill for taxing all lands without distinction, (except the Proprietors lands) which will make the planters, whose subsistence depends wholly upon their labour in their cleared lands, desert the Province.

It is another term of our surrender, and an instruction to his Excellency, that the surveyors and other persons appointed by us for surveying and recording the surveys of lands granted and sold by us, shall be permitted to execute their respective trusts.

But his Excellency has taken upon him (even contrary to the advice of his Council) to appoint fees for patenting lands, which has created an opinion in the people, that the power of granting lands is in him, has lessened the credit of our title to the lands, and encourages the planters to dispute our right.

His Excellency has demanded all publick books, papers and records, and detains some, which were delivered at his request for his perusal only. This order if put in full execution, will deprive the Proprietors of all means to justify their past administration, of their

evidences of their grants of lands to the present possessors of them, (all the surveys and patents being recorded in those books) and will destroy the office of our register, or at least will disable him to execute his duty in some cases, which by acts of General Assembly he is obliged to perform.

It is a further term of our surrender, and instruction to his Excellency, that all officers be appointed by advice of the Council.

But his Excellency has constituted several officers without such advice, and particularly a sheriff of Burlington, who was therefore suspended by order of Council, and yet continued to act under his lordships appointment.

We are further informed, that his Excellency hath put several mean and contemptible persons into the commission of the peace, particularly one Salter, whom he knew to be under prosecution for felony, and has given commissions in the militia to others, who have no estate in the Province, and therefore are not like to be zealous in the defence of it.

These are the only complaints we shall trouble your lordships with, till we have a further and fuller accounts from America, and we humbly hope and pray, that your lordships will reinforce your instructions by fresh orders, and relieve us from those violations already made, and as a further security of our estates there, your lordships will direct, that no person be admitted of the Governor's Council, or be in the commission of the peace, or of the militia, who have not estates in land within the Province suitable to those stations.

I do hereby certify that this is a true copy taken from the books in the plantation office.

Whitehall, SAMUEL GELLIBRAND, D. Secretary.
January 23d, 1752.

Monmouth Patent, &c.

TO all to whom these presents shall come. I Richard Nicolls, Esq; Governor under his Royal Highness the Duke of York, of all his territories in America, send greeting. Whereas there is a certain tract or parcel of land within this government, lying and being near Sandy Point, upon the main; which said parcel of land hath been with my consent and approbation bought by some of the inhabitants of Gravesend, upon Long Island, of the Sachems, (chief Proprietors thereof) who before me have acknowledged to have received satisfaction for the same, to the end the said land may be planted, manured, and inhabited, and for divers other good causes and considerations, I have thought fit to give, confirm and grant, and by these presents do give, confirm and grant unto William Goulding, Samuel Spicer, Richard Gibbons, Richard Stout, James Grover, John Bown, John Tilton, Nathaniel Silvester, William Reape, Walter Clark, Nicholas Davis, Obadiah Holmes, patentees, and their associates, their heirs, successors, and assigns, all that tract and part of the main land, beginning at a certain place commonly called or known by the name of Sandy Point, and so running along the bay west north west, till it comes to the mouth of the Raritan river, from thence going along the said river to the westernmost part of the certain marsh land, which divides the river into two parts, and from that part to run in a direct south west line into the woods twelve miles, and then to turn away south east and by south, until it falls into the main ocean; together with all lands, soils, rivers, creeks, harbours, mines, minerals, (royal mines excepted) quarries, woods, meadows, pastures, marshes, waters, lakes, fishings, hawkings, huntings and fowling, and all other profits, commodities, and hereditaments to the said lands and premises belonging and appertaining, with their and every of their appurtenances and of every part and parcel thereof, to have and to hold, all and singular the said lands, hereditaments, and premisses with their and every of their appurtenances hereby given and granted, or herein before mentioned to be given and granted

to the only proper use and behooff of the said patentees and their associates, their heirs, successors and assigns forever, upon such terms and conditions as hereafter are expressed, that is to say, that the said patentees, and their associates, their heirs or assigns shall within the space of three years, beginning from the day of the date hereof, manure and plant the aforesaid land and premisses, and settle there one hundred families at the least ; in consideration whereof I do promise and grant that the said patentees and their associates, their heirs, successors and assigns, shall enjoy the said land and premisses, with their appurtenances, for the term of seven years next to come after the date of these presents, free from payment of any rents, customs, excise, tax or levy whatsoever : But after the expiration of the said term of seven years, the persons who shall be in the possession thereof, shall pay after the same rate, which others within this his Royal Highnesses territories shall be obliged unto. And the said patentees and their associates, their heirs successors and assigns shall have free leave and liberty to erect and build their towns and villages in such places, as they in their discretions shall think most convenient, provided that they associate themselves, and that the houses of their towns and villages, be not too far distant and scattering one from another ; and also they make such fortifications for their defence against an enemy as may seem needful. And I do likewise grant unto the said patentees, and their associates, their heirs, successors and assigns, and unto any and all other persons, who shall plant and inhabit in any of the land aforesaid, that they shall have free liberty of conscience without any molestation or disturbance whatsoever in their way of worship. And I do further grant unto the aforesaid patentees, their heirs, successors and assigns, that they shall have liberty to elect by the vote of the major part of the inhabitants, five or seven other persons of the ablest and discretest of the said inhabitants or a greater number of them (if the patentees, their heirs, successors or assigns, shall see cause) to join with them, and they together, or the major part of them, shall have full power and authority to make such peculiar prudential laws and constitutions amongst the in-

habitants for the better and more orderly governing of them, as to them shall seem meet ; provided they be not repugnant to the publick laws of the government ; and they shall also have liberty to try all causes and actions of debt and trespass arising amongst themselves, to the value of ten pounds, without appeal, but that they remit the hearing of all criminal matters to the assizes of New York. And furthermore I do promise and grant unto the patentees, and their associates aforementioned, their heirs, successors and assigns, that they shall in all things have equal priveleges. freedom and immunities with any of his Majesty's subjects within this Government, these patentees and their associates, their heirs, successors and assigns rendering and paying such duties and acknowledgements as now are, or hereafter shall be constituted and established by the laws of this government, under the obedience of his Royal Highness, his heirs and successors, provided they do no way infringe the privileges above specified. Given under my hand and seal, at Fort James in New York, on Manhatans Island, the 8th day of April in the 17th year of the reign of our Sovereign Lord CHARLES the Second, by the grace of God, of England, Scotland, France and Ireland, King defender of the faith, &c. and in the year of our Lord God, 1665.

RICHARD NICOLLS.

Entered in the office of Record in New York, the day and year above written.

MATTHIAS NICOLLS, Secretary.

NEW JERSEY, May 28th, 1672.

Upon the address of James Grover, John Bowne, Richard Hartshorne, Jonathan Holmes, patentees, and James Ashon, and John Hanse, associates, impowered by the patentees and associates of the towns of Middletown and Shrewsbury, unto the Governor and Council for confirmation of certain priviledges granted unto them by Col. Richard Nicolls, as by patent under his hand and seal bearing date the 8th day of April, Anno Domini, one thousand six hundred sixty five, the Governor and Council do confirm unto the said patentees and associates, these particulars following, being their rights, contained in the aforesaid patent, viz.

Imprimis. That the said patentees, and associates, have full power, licence and authority to dispose of the said lands expressed in the said patent, as to them shall seem meet.

II. That no ministerial power or clergyman shall be imposed on among the inhabitants of the said land, so as to inforce any that are contrary minded to contribute to their maintenance.

III. That all causes whatsoever, (criminals excepted) shall first have a hearing within their cognizance, and that no appeals unto higher courts where sentence have been passed amongst them under the value of ten pounds be admitted.

IV. That all criminals and appeals above the value of ten pounds, which are to be refered unto the aforesaid higher courts, shall receive their determination upon appeals to his Majesty, not to be hindered.

V. That for all commission officers both civil and military; the patentees, associates, and freeholders, have liberty to present two for each office to the Governor whom they shall think fit, one of which the Governor is to commissionate to execute the said office, and that they have liberty to make peculiar prudential laws and constitutions amongst themselves according to the tenor of the said patent.

PH. CARTERET.

John Kenny,
Lordue Andress,
Samuel Edsall,
John Pike,
John Bishop,

DIRECTIONS, instructions, and orders made by the late Lords Proprietors of the Province of East New Jersey, to be observed by the Governor, Council and inhabitants of the said Province, bearing date the 31st day of July, Anno Dom. 1674, amongst which there is as followeth, viz. as to the inhabitants of Nevysink, considering their faithfulness to the Lords Proprietors that

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upon their petition, their township shall be surveyed, and shall be incorporated, and to have equal priviledges with other the inhabitants of the Province, and that such of them who were the pretended patentees and laid out money in purchasing land from the Indians, shall have in consideration thereof, five hundred acres of land to each of them, to be allotted by the Governor and Council, in such places that it may not be prejudicial to the rest of the inhabitants, and because there is much barren land, after survey taken, the Governor and Council may give them allowance.

GEORGE by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. to all to whom these present letters shall come or may concern, greeting. Know ye that among the records of our Province of New York in America, remaining in our Secretary's office of our said Province, at our fort in New York, we have inspected the record of a certain commission there recorded, granted by our late royal predecessor King JAMES the Second, while Duke of York, and Albany, &c. to Richard Nicolls, Esq; which followeth in these words, (to wit) JAMES, Duke of York and Albany, Earl of Ulster, Lord High Admiral of England, and Ireland, &c. Constable of Dover Castle, Lord Warden, of the Cinque ports, and Governor of Portsmouth, &c. Whereas it hath pleased the King's most excellent Majesty, my Sovereign Lord and brother, by his Majesty's Letters Patents, bearing date at Westminster, the 12th day of March, in the sixteenth year of his Majesty's reign, to give and grant unto me and to my heirs and assigns, all that part of the main land of New England, beginning at a certain place called or known by the name of St. Croix, next adjoining to New Scotland, in America, and from thence extending along the sea-coast, unto a certain place called Petaquine, or Pemaquid, and so up the river thereof to the furthest head of the same, as it tendeth northwards, and extending from thence to the river of Kinebequi, and so upwards by the shortest course to the river Canada northwards; and also all that island or islands commonly called by several name or names of Matowacks

or Long Island, situate, lying and being towards the west of Cape Cod and the Narrow-Higansets, abutting upon the main land, between the two rivers there, called or known by the several names of Connecticut and Hudsons river, together also with the said river called Hudson's river, and all the land from the west side of Connecticut river, to the east side of Delaware bay ; and also all those several islands called or known by the name of Martin's Vineyards, and Nantukes otherwise Nantucket, together with all the lands, islands, soiles, rivers, harbours, mines, minerals, quarries, woods, marshes, waters, lakes, fishing, hawking hunting, and fowling, and all other royalties, profits, commodities, heriditaments, to the said several islands, lands and premisses belonging and appertaining, with their and every of their appurtenances, to hold tue same to my own proper use and behoof, with power to correct, punish, pardon, govern, and rule, the inhabitants thereof, by my self or such deputies, commissioners, or officers as I shall think fit to appoint, as by his Majesty's said Letters Pattents may more fully appear. And whereas I have conceived a good opinion of the integrity, prudence, ability and fitness of Richard Nicholls, Esq ; to be employed as my deputy there, I have therefore thought fit to constitute and appoint, and I do hereby constitute and appoint him the said Richard Nicholls, Esq ; to be my Deputy Governor, within the lands, islands and places aforesaid, to perform and execute all and every the powers which are by the said Letters Patents granted unto me, to be execute by my deputy, agent, or assign. *To have and to hold* the said place of Deputy Governor, unto the said Richard Nichols, Esq ; during my will and pleasure only, hereby willing and requiring all and every the inhabitants of the said lands, islands and places to give obedience to him the said Richard Nicholls, in all things according to the tenor of his Majesty's said Letters Patents, and the said Richard Nicholls, Esq ; to observe follow and execute such orders and instructions as he shall from time to time receive from my self. Given under my hand and seal at Whitehall, this second day of April, in the sixteen the year of the reign of our Sovereign Lord CHARLES the Se

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cond, by the grace of God, King of England, Scotland, France, and Ireland, &c. *Annoque Domini*, 1664.

JAMES,
By command of his Royal Highness
W. Coventry.

WHEREAS Richard Nicholls, Esq ; formerly Governor, of this Province of New Jersey, and that of New York, by commission under James (then) Duke of York, and Albany, &c. and by virtue of the powers and authority vested in him by the same Duke of York, did on or about the year of our Lord, one thousand six hundred and sixty four, publish in print, certain terms to the inhabitants of the Provinces aforesaid, and others, by observing whereof they might acquire property in lands in either of the said Provinces, which terms so published follows in these words, viz.

The conditions for new planters in the territories of his Royal Highness the Duke of York.

The purchases are to be made from the Indian Sachems, and to be recorded before the Governor.

The purchasers are not to pay for their liberty of purchasing to the Governor.

The purchasers are to set out a town and inhabit together.

No purchaser shall at any time contract for himself, with any Sachem, without consent of his associates, or special warrant from the Governor.

The purchasers are free from all manner of assessments or rates for five years, after their town platt is set out ; and when the five years are expired, they shall only be liable to the publick rates and payments, according to the custom of other inhabitants both English and Dutch.

All lands thus purchased and possessed, shall remain to the purchasers, and their heirs, as free lands to dispose of as they please.

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In all territories of his Royal Highness, liberty of conscience is allowed, provided such liberty is not converted to licentiousness, or the disturbance of others in the exercise of the Protestant religion.

The several townships have liberty to make their particular laws, and deciding all small causes within themselves.

The lands which I intend shall be first planted, are those upon the west side of Hudson's river, at or adjoining to the Sopes; but if any number of men sufficient for two or three or more towns, shall desire to plant upon any other lands, they shall have all due encouragement proportionable to their quality and undertakings.

Every township is obliged to pay their minister according to such agreement as they shall make with them, and no man to refuse his proportion, the minister being elected by the major part of the householders, inhabitants of the town.

Every township hath the free choice of all their officers both civil and military, and all men who shall take the oath of allegiance, and are not servants, or day labourers, but are admitted to enjoy a town lot, are esteemed free men of the jurisdiction, and cannot forfeit the same without due process in law.

R. NICHOLLS.

To the Right Honourable Colonel Richard Nicholls, Esq; Governor of New York, &c. The humble Petition of us subscribed, sheweth.

THAT several of us your petitioners, being intended formerly to have purchased and settled a plantation upon the river called after Cull river, before

your arrival into these parts, our intentions notwithstanding our making some way with the Indians, and charges and expences, about the premises, was obstructed by the then ruling Dutch, and some of us by reason of not having any accommodations here were put upon thoughts of removing into some other of his Majesty dominions, but now upon this your happy arrival and the decease of the Dutch interest we would gladly proceed in the design aforesaid: In order whereunto we make bold with all humility to petition to your honour, that you would grant us liberty to purchase and settle a parcel of land to improve our labour upon in the river before mentioned, and some of us being destitute of habitations where we are, we crave your answer with as much expedition as may be; we humbly take our leaves at present and subscribe your honours to command.

From Jamaica, commonly so called, September 26, 1664.

John Bailies,
Daniel Denton,
Thomas Benydick,
Nathaniel Denton,
John Foster,
Luke Watson,

UPON perusal of this petition I do consent unto the proposals, and shall give the undertakers all due encouragement in so good a work, given under my hand in Fort James, this 30th of September, 1664.

RICHARD NICHOLLS.

A true copy extracted out of Elizabeth Town book, of record, No. A, folio 11, this 24th of July, 1708.

per SAMUEL WHITEHEAD, Town Clerk.

WE have inspected also among the records aforesaid, remaining as aforesaid, the record of a certain Indian deed of purchase there recorded, heretofore made by John Bailly, Daniel Denton, and Luke Watson, of certain lands lying near Rariton river (now in our Province of New Jersey) which followeth in these words (to wit.) THIS INDENTURE made the 28th

day of October, in the sixteenth year of the reign of our sovereign Lord CHARLES the Second, by the grace of God of England, Scotland, France, and Ireland, King, Defender of the Faith, &c. between Mattano, Manamowaoue, and Cowescomen, of Staten Island, of the one part, and John Baily; Daniel Denton, and Luke Watson, of Jamaica, in Long Island, husbandmen, on the other part. *Witnesseth*, that the said Mattano, Manamowaoue, and Cowescomen, hath clearly bargained and sold unto the said John Baily, Daniel Denton, and Luke Watson, their associates, their heirs and executors, one parcel of land bounded on the south by a river commonly called the Raritons river, and on the east by the river which parts Staten Island and the main, and to run northward up after Cull Bay, till we come at the first river which sets westwards up after Cull Bay, aforesaid, and to run west into the country twice the length as it is broad from the north to the south of the aforementioned bounds; together with the lands, meadows, woods, waters, fields, fences, fishings, fowlings, with all and singular the appurtenances with all gains profits and advantages arising upon the said lands, and all other the premises and appurtenances to the said John Baily, Daniel Denton, and Luke Watson, with their associates, with their and every of their heirs, executors, administrators or assigns for ever, *To have and to hold* the said lands, with the appurtenances to the said John Baily, Daniel Denton, and Luke Watson, with their associates, their executors, assigns. And the said Mattano, Manamowaoue, covenant, promise, grant and agree to and with the said John Baily, Daniel Denton, and Luke Watson, and their associates, their heirs and executors, to keep them safe in the enjoyments of the said lands from all expulsion and incumbrances whatsoever, may arise of the said land, by any person or persons by reason of any title had or growing before the date of these presents: For which bargain and sale, covenants, grants and agreements on the behalf of the said Mattano, Manamowaoue, and Conescomen, to be performed observed and done the aforesaid parties are at their entry upon the said land, to pay to the said Mattano, Manamowaoue, and Conescomen, twenty fathom of trading cloth, two made coats, two guns, two kettles, ten barrs of lead, twenty handfulls of powder. And further the said John

Baily, Daniel Denton, and Luke Watson, do covenant, promise grant, and agree to and with the said Mattano, Manamowaoue, and Conescomen the aforesaid Indians, four hundred fathom of white wampum after a years expiration from the day of the said John Baily, Daniel Denton, and Luke Watson's entry upon the said lands. In witness whereof we have hereunto put our hands and seals the day and year aforesaid. The mark of } Mattano. The mark of N Sewakheronos, the mark of } Warinanco. Sign'd, seal'd, and deliver'd in the presence of us witnesses, Charles Horfly. The mark of Randle, R. Howett.

WE have inspected also among the records aforesaid, remaining as aforesaid, the record of a certain grant there recorded, made by the aforesaid Richard Nicolls, Esq; while Deputy Governor aforesaid, to Captain John Baker, John Ogden, John Baily, and Luke Watson, and their associates, their heirs, executors, administrators and assigns, of the beforementioned lands, lying near Rariton river aforesaid, which followeth in these words. To all to whom these presents shall come, I Richard Nicolls, Esq; Governor under his Royal Highness the Duke of York, of all his territories in America, send greeting. Whereas there is a parcel of land within my government which hath been purchased of Mattano, Manamowaoue, and Conescomon, of Staten Island, by John Baily, Daniel Denton, and Luke Watson, of Jamaica, in Long Island, for a consideration expressed in a certain deed of indenture, bearing date the twenty eighth day of October last, wherein the said parcel of land was made over unto the said John Baily, Daniel Denton, and Luke Watson, and their associates, their and every of their heirs, executors, administrators or assigns for ever, as in the said deed, relation being thereunto had, more fully and at large doth and may appear, now to the end the said lands may the sooner be planted, inhabited and manured, I have thought fit to give, confirm and grant and by these presents do give confirm and grant unto Captain John Baker, of New York, John Ogden, of North Hampton, John Baily, and Luke Watson, of Jamaica on Long Island, and their associates, their heirs, executors, administrators and assigns, the said parcel of

land bounded on the south, by a river commonly called the Rariton river, on the east by the sea which parts Staten Island and the main, to run northward up after Cull bay, till you come to the first river which sets westwards out of the said bay, and to run west into the country twice the length of the breadth thereof from the north to the south of the aforementioned bounds, together with all the lands, meadows, pastures, woods, waters, fields, fences, fishings, fowlings, with all and singular the appurtenances, with all gains, profits, and advantages, arising or that shall arise upon the said lands and premises. To have and to hold the said lands and appurtenances to the said Capt. John Baker, John Ogden, John Baily, and Luke Watson, and their associates, their heirs, executors, administrators and assigns for ever, rendering and paying yearly unto his Royal Highness the Duke of York, or his assigns, a certain rent according to the customary rate of the country for new plantations, and doing and performing such acts and things as shall be appointed by his said Royal Highness, or his deputy. And the said Capt. John Baker, John Ogden, John Baily and Luke Watson, and their associates, their heirs, executors, administrators and assigns, are to take care and charge of the said lands and premisses, that people be carried there with all convenient speed, for the settling of plantations thereon, and that none have liberty so to do, without the consent and approbation of the said Capt. John Baker, John Ogden, John Baily, and Luke Watson, and their associates, except they shall neglect their planting thereof, according to the true intent and meaning of these presents. And I do likewise promise and grant that the persons so inhabiting and planting the lands and premisses aforesaid, shall have equal freedom, immunities and privileges with any of his Majesty's subjects in any of his colonies of America. And the said Capt. John Baker, John Ogden, John Baily, and Luke Watson, and their associates have liberty to purchase of the natives, (or others who have the propriety thereof) as far as Snake Hill, to the end and purposes aforesaid. *In witness* whereof I have hereunto set my hand and seal this first day of December, in the sixteenth year of the reign of our Sovereign Lord CHARLES Second, by the grace of God King of England, Scotland, France, and Ireland, defen-

der of the faith, &c. At Fort James in New York, at the island of Manhatans. All which at the request of Joseph Woodruff, by the tenor of these presents, we have caused to be exemplified; in testimony whereof we have caused the seal of our Province of New York, to be hereunto affixed.

Witness our trusty and well beloved Robert Hunter, Esq; our Captain General and Governor in chief of our Province of New York, New Jersey, and territories depending thereon in America, and vice admiral of the same, &c. at our fort at New York, the fourth day of November, in the second year of our reign, *Annoque Domini*, 1715.

JAMES WILEMAN, D. Secretary, L. S.

SIR,

BEING advised of your actings without any legal authority to the great disturbance, &c. of his Majesty's subjects, I do herewith send you attested copies of the King's Letters Patents, and his Royal Highness commission, for lands and territories, as also further for authority and jurisdiction over all persons within those bounds, &c. as by his Majesty's said patent to his Royal Highness, in which being comprized, therefore in obedience to his Majesty's said authority, you are to forbear and not presume further to assume or exercise distinct or any jurisdiction over his Majesty's subjects, or any person within any of the bounds of that his Majesty's patent to his said Royal Highness without lawful power recorded (as it ought to be) in this place. I do acquaint you that it being necessary for the King's service, and welfare of his Majesty's subjects living or trading in these parts, that beacons for land, or sea-marks for shipping sailing in and out, and a fortification be erected at Sandy Point, I have resolved it accordingly, but having due regard to all rights or properties of land or soil, shall be ready to pay or give just satisfaction to Mr. Richard Harts-horn, or any assigned to, or interested in said Sandy Point, or place, and not doubting your observance of the above, remain,

Your affectionate friend and servant,
New York, March

E. ANDROSS.

the 8th, 1679-80.

To Governor Philip Carteret, at his house in Elizabeth Town.

SIR,

HAVING seriously considered your letter of the 8th instant, and advised upon the contents thereof, not only with the Council, but also with the most eminent, though not numerous, part of the country who have largely weighed the force of his Royal Highness grant, the commands of his Majesty to confirm to the Lords Proprietors government, the long and peaceable possession of this government during the time of all your English predecessors, and yourselves, return this answer, that as I have not plunged his Majesty's subjects into any disturbances, so I intreat you not to molest me, as his governor, nor the people under my charge; I not making any presumptive pretence beyond the bounds of my commission, nor the people yielding obedience but by their Sovereigns possitive orders. As to what may be requisite to land, or sea marks, as they are considerable so they shall be considered of, without any other compulsion than the necessity of his Majesty's affairs requires. If you intend to set a fort at Sandy Hook, I shall be constrained to endeavour to prevent the same, until I shall know the Proprietors pleasure, he having reserved that for a fortification when the King shall command it: The people as well as myself and Council, hold ourselves obliged by his Majesty's express commands to yield obedience to the government established by Sir George Carteret, and are under oath so to do, and are resolved not to vary therefrom until the same be remanded by the King, who only can determine this matter; and shall be necessitated, if any force be used, to defend ourselves and families the best we can, which if any blood be shed it will be contrary to our desires, and the just and righteous God require it at your hands, who are the causes thereof—and therefore we intreat you to forbear your threats or any other acts of hostility toward us, until his Majesty decides this controversy, which we shall endeavour to have effected as soon as possible may be: The occasion that hinders this from being sent you sooner, is the foulness of the weather hindering the Councils meeting, as also an alarm we had yesterday of your being come with your sloops and a considerable

number of soldiers which constrained us to put ourselves in a posture of defence,

Elizabeth Town,
20th March 1679.

I am your humble servant

PH. CARTERET.

Compared with the original, James Bollin, Secretary.

SIR EDMUND ANDROSS, knight, lieutenant and Governor, general and vice admiral under his Royal Highness JAMES Duke of York, and Albany, &c. and of New York, and dependences, &c. in America.—Whereas upon information of the actings of Capt. Philip Carteret, assuming and authorizing others to exercise jurisdiction without any legal authority, to the great disturbance, &c. of his Majesty's subjects, within the bounds of his Majesty's Letters Patents, to his Royal Highness, I have sent to forwarn said Capt. Carteret, from such his illegal actings, &c. I do hereby by advice of my Council, by virtue of his Majesty's Letters Patents and authority derived unto me under his Royal Highness, in his Majesty's name, further require and command the said Captain Phillip Carteret, and all other pretended magistrates and officers, civil or military, authorized by him, to forbear, and not presume further to assume or exercise distinct or any jurisdiction over his Majesty's subjects, or any person within any the bounds of that his Majesty's Patent to his said Royal Highness : and also that no person or persons do any ways abet, assist or observe the same or any such illegal authorities—but they and all persons forthwith to submit as they ought to the Kings lawful authority, signified by his Majesty's Letters Patents to his Royal Highness here established, as they and every of them, will answer the contrary at their utmost perils ; upon which I do admit all past acting on said account, and for the preservation of the peace and quiet of his Majesty's subjects in these parts, I do confirm all the present constables in their several and respective towns and precincts, and shall be ready to take further order for the good and welfare of his Majesty's subjects, pursuant to his Majesty's said Letters Patents and his Royal Highness commission and authority to me, respecting the jurisdiction, &c. without intrenching upon any man's just right, property, freehold

or possession. Given under my hand and the seal of the Province in New York, the 13th day of March, in the thirty second year of his Majesty's reign, Anno Domini, 1679.

ANDROSS.

To Capt. Phillip Carteret,

Examined by me Mathias Nicholls, Secretary.

SIR,

UPON consideration of his Majesty's commands which is only directed to his Governor and Council in this Province, I have thought fit to countermand any former orders of convening the General Assembly, which will be but a charge and trouble to the country, and in friendship think fit to let you know it, that you may not come or send in expectation to it; and finding the insinuations and indirect means you use for obtaining the government, and in a sinister way to subvert the minds of his Majesty's subjects here, therefore do hereby command that no more of your emissaries may be sent or appear here, under penalty of being proceeded against by imprisonment, tryal, condemnation and penalty, as his Majesty's laws direct to spies or disturbers of the publick peace, unless with particular message to me and so to return. It was by his Majesty's command that this government was established, and without the same command shall never be resigned but with our lives and fortunes, the people resolving to live and dye with the name of true subjects, and not traytors.

SIR,

SINCE the writing above yours arrived by Mr. West, for which please to take for answer, that whereas we are sufficiently satisfied of your unjust actings, endeavouring to subvert the minds of his Majesty's subjects here, from their obedience to his commands and fidelity to their Proprietor and government by him here established; we have thought fit and do hereby not only protest against your unlawful proceedings, but do make our appeal to our Sovereign Lord the King, which we shall forthwith send to be presented to his Majesty, who only can determine this matter, and that you may

not plead ignorance in not knowing of it, or of our intentions to prosecute the same, we do give you this notice thereof that you may if you please take order to answer our complaints; and in the mean time we require you, in his Majesty's name, to forbear to molest or disquiet us in our peaceable possession, or in the government here established by his Majesty's commands, or in any other way whatsoever at your peril.

Elizabeth Town, the
29th March, 1680.

Sir your friend and servant.

PHILLIP CARTERET.

RIGHT HONOURABLE SIR,

SINCE my last of the 8th April, 1680, the copies whereof I herewith send you, Sir Edmund Andross, came hither on Wednesday the 7th instant accompanied with several of his officers, councillors and merchants, to demand the government of this your honour's Province, supposing to have gained it either by threats or flattery; and having notice of it before hand I had gotten together a matter of 150 men in arms to receive him, doubting he would have brought some offensive forces along with him but did not, and having leave with his train to come a shore, he came up to my house where after the civilities past, he began to show by what authority he had to lay claim to the government; and first began publickly to read his Majesty's Letters Patents, under the great seal, directed to himself for the receiving of the whole country from the Dutch, which signified little to the purpose: than he brought out his Majesty's grant to his Royal Highness with the broad seal to it, which myself and Council had sufficiently examined before, which was likewise read publickly, as also his commission from his Royal Highness, that being done we drew into the house and came to the table, where we laid open those writings we had in your honours behalf from his Majesty and his Royal Highness, and had several arguments upon them, when coming to a conclusion, we maintained and made it appear that by the same authority he demanded the government, by the very same your honour doth hold yours of this part of the Province, as being the Dukes assignee; upon which his last answer was, that he had showed what authority he had and according to his duty did require it in behalf of his master, and if we would not obey him, let it rest at our perils, for that we answered him

we had sent away our appeal to his Majesty, should be ready to submit to what his Majesty should determine, and then we went to dinner, that done we accompanied him to his sloop and so parted.

Now your honour may be pleased to take notice, that we do not conclude that this business will end, but will depend upon your honour's diligence to have a final issue of all differences according to that which myself and Council have advised your honour, and to be sent us with all the speed that may be; no more at present but remain your honours most faithful and humble servant.

Elizabeth Town, New Jersey, July 9, 1680.

MR. COUSTIER, SIR.

SINCE the writing above, I cannot omit informing you of Sir Edmund Andross, his actions and proceedings to the government of the Province of New Jersey, where after many debates and disputes, we concluded to decide it rather by arguments than arms, but the rancor and malice of his heart was such, that on the 31st day of April last, he sent a party of soldiers to fetch me away dead or alive, so that in the dead time of the night broke open my doors and most barbarously and inhumanly and violently halled me out of my bed, that I have not words enough sufficiently to express the cruelty of it; and indeed I am so disabled by the bruises and hurts I then received, that I fear I shall hardly be a perfect man again. Capt. Bollen, will inform you more ample to whom I refer you, and desire you to be assistant to him in whatsoever you may, and you will infinitely oblige him that is Sir,

your humble Servant.

At a special Court of Assizes held in New York, the 27th and 28th of May, 1680.

CAPT. PHILIP CARTERET, of Elizabeth Town, in New Jersey, being presented for that he the 7th day of April last past, and divers times before and since, without any lawful right, power or authority, hath presumed to exercise jurisdiction and government over his Majesty's subjects within the bounds of his Ma-

jesty's Letters Patents to his Royal Highness, and though forwarned hath persisted and riotously and routously with force and arms, endeavoured to assert and maintain the same; &c. and upon tryal being by the jury brought in not guilty, is acquitted accordingly.

But the court declare their opinion and give judgment, that if he the said Capt. Carteret shall go to New Jersey, he should give security or engagement not to assume any authority or jurisdiction there, civil or military.

By order of the special Court of Assizes,
MATHIAS NICOLLS, Secretary.

A. B. who as well as &c. presenteth Capt. Philip Carteret, of Elizabeth Town in New Jersey, for that he the said Capt. Philip Carteret, the 7th day of April, last past, and divers times before and since, without any lawful right, power or authority with force and arms, riotously and routously with Capt. John Berry, Capt. William Sandford, and several other persons, hath presumed to exercise jurisdiction and Government over his Majesty's subjects, within the bounds of his Majesty's Letters Patents granted to his Royal Highness: and although by publick acts and declarations hath been forwarned so to do, he the said Capt. Philip Carteret, hath persisted therein, and riotously and routously with force and arms hath endeavoured to assert and maintain the same, all which actings of the said Capt. Philip Carteret, have tendered to the hinderance of the publick peace of the government, and in contempt of and contrary to the laws and liberty of the subject, and against the peace of our Sovereign Lord the King, therefore prays that this court will proceed against him the said Capt. Phillip Carteret, as the law in such cases directs.

Sir Edmund Andross, Knight Seigneur of Sausmarez, Lieutenant and Governor, General and Vice Admiral under his Royal Highness JAMES Duke of York and Albany, &c. of New York, and dependences in America.

Whereas Capt. Philip Carteret, of New Jersey, having presumed to assume and exercise authority and juris-

diction over the King's subjects to the great disturbance, &c. in those parts which the bounds of his Majesty's Letters Patents to his Royal Highness, and persisted therein without any legal authority, notwithstanding his being duly forwarned and commanded to the contrary, whereupon by advice of my Council, I have caused the person of the said Capt. Philip Carteret, to be apprehended and brought to this place in order to further proceedings according to law, these are in his Majesty's name to require you, to take into your charge and custody, the said Capt. Philip Carteret, and him safely to keep until further order, or his being discharged by due course of law, and for so doing this shall be your sufficient warrant. Given under my hand and seal, in New York, this first day of May, 1680.

EDMUND ANDROSS.

To Capt. John Collyer,
Mathias Nicolls, Secretary.

Philip Carteret, Esq; saith, that he did refuse the delivery of the government of New Jersey, for that he being commissioned Governor there, by power derived from his Majesty, and his command to the people, to be obedient to the government established by Sir George Carteret, dares not deliver the same without an especial command from the King, unto whom he hath addressed himself for determination; and whereas he the said Philip Carteret, Esq; hath been violently and riotously halled out of his house by night on the 30th day of April, 1680, by Sir Edmund Andross, his officers, and kept a prisoner ever since, doth demand his liberty upon his parole to appear when the King shall command it, and doth protest against the jurisdiction of this court, where his imprisoner and accuser is to be judge, and doth appeal to the determination of his Majesty who only is the proper decider of this matter.

SIR Edmund Andross, speaking to the Assembly at Elizabeth Town, in New Jersey, acquainted them, that they are met for the King and country service, and in order to it he hath brought the King's Letters Patents, under the great seal of England, to his Royal Highness and his commission, that this part of

the country, may by them their representatives see the authority, and his Majesty's and his Royal Highness care of them in every respect, as of the other parts of the colony; pursuant to which and law he hath endeavoured not to be wanting in his duty for the welfare of all, though by some mistakes and neglects, they have not been so unanimous and united as they ought and now are by the said great seal, which is their grand charter rule and joint safety; and things being now come so well to their right channel, he doth again by virtue of the above authority confirm the remitting all past actors assuming authority, and offer to their consideration how necessary it is an act be made to confirm all past judicial proceedings, and for the times and places of keeping their future courts and sessions.

And it being of general import, as by patent, to have peculiar known laws and method of proceedings, he hath also brought for their perusal, and offered them the law books composed and past into a law by the Assembly at Hamstead, and since confirmed and in force in all other parts of the government, in which if any small matter be wanting, liberty to make local prudential laws, and for greater matters, not expressed, the general court of assize to judge, not repugnant to the laws of England: And he is ready to hear them and to do his part further for the good and welfare of all his Majesty's subjects, pursuant to his Majesty's said Letters Patents and authority under his Royal Highness, respecting the jurisdiction, without entrenching upon any mans just rights, properties, freeholds, possession or liberty of conscience, or distinction of any place or person comporting themselves as they ought.

MATTHIAS NICOLLS, Secretary.

IN answer to what Sir Edmund Andross delivered to the Assembly of Deputies, June 2, 1680, paying due respects to his Majesty's Letters Patents, &c.

I. As we are the representatives of the freeholders of this Province, we dare not grant his Majesty's Letters Patents, though under the great seal of England,

to be our rule or joint safety for the great charter of England, alias Magna Charta, as the only rule, privilege and joint safety of every free born Englishman.

II. What we have formerly done, we did in obedience to the authority that was then established in this Province.

III. These things which has been done according to law, needs no confirmation, and we have not power to tye any man's hands up from obtaining his just rights and privileges.

IV. In delivering and presenting our laws to be established, we suppose we are in a way of confirming and establishing of future courts and sessions, we thinking the said laws formerly made in this Province to be the most fitting and suitable to the constitutions and privileges of the freeholders of this Province, and not contradictory to the laws of England.

June 11th, 1680.

ISAAC WHITEHAD, Clerk to the Deputies.

June 3d, 1680.

WE the Deputies or Representatives of this Province of New Jersey, do expect that all the privileges belonging to the inhabitants and freeholders of the said Province, granted to them by the virtue of the Concessions made and granted by the Lord John Berkley, and Sir George Carteret, be to all intents and purposes allowed, confirmed and maintained to the aforesaid inhabitants and freeholders, without any infringement or limitation ; one particular and principal whereof is, as right belonging to every free born Englishman, that there be a General Assembly called once, a year, and to meet on the second Tuesday in October, according to our usual custom, for the making of all such peculiar laws as shall be necessary for the good of the Province.

ISAAC WHITEHEAD, Clerk to the Deputies.

BE IT ENACTED by this General Assembly, and authority thereof, that all former laws and acts of Assembly, that was made and confirmed by the General Assembly, sitting at Elizabeth, in the Province

of New Jersey, in November last, be confirmed for this present year.

ISAAC WHITEHEAD, Clerk to the Deputies.

June 4, 1680.

With this act we did also deliver in a copy of our laws.

Our proposals is, that we may have all those privileges confirmed to us, as they are granted to every freeholder in this Province in our concessions.

ITEM. The confirmation of our own laws, as we have already presented with our law-book to Sir Edmund Andross, and his Council.

These two proposals should have been annexed to the answer to what Sir Edmund Andross delivered in his paper, signed by Secretary Nicolls, and was the last paper that was delivered to Sir Edmund by the Deputies.

ELIZABETH TOWN, New Jersey, July 9th, 1680.

CAPT. BOLLEN, SIR,

YOURS from Farefield, dated the 18th May, which was directed to George Jewel, it was a month before it came to my hands ; and your other two letters by John Willson's wife of the 8th June, and 21st, being three weeks after, before I received them, which was by reason of the long passage of the vessel. I could gladly have wished that I could have written to you when you were in New England, but could not with safety in the time of my imprisonment, which was five weeks before they brought me to my tryal, and this being the first opportunity, with convenience, that I have had since your departure, which goeth by Mr. George Heathcott, for England, giving you an account of Sir Edmund Andross, proceedings. When I came to my tryal my intentions at first was not to have entered a plea, and to have protested against the jurisdiction of the court ; but finding the court was to be over ruled by him, was forced to enter a plea, and pleaded not guilty of what he alledged against me in my presentment ; and also was ready to make out and justify my actings as Governor of New Jersey, to be legal and by virtue of power derived from the King ; to which purpose recommended to the view

of the court, my commission with other instructions to manifest the same, which was delivered with a charge to the jury, who after a perusal of the same by the jury, was to make a return of their verdict concerning it, with their verdict in matter of fact, which was thus brought in by the jury: The prisoner at the bar not guilty—upon which he asked them questions and demanded their reasons—which I pleaded was contrary to law for a jury to give reasons after their verdict given in; nevertheless he sent them twice or thrice out, giving them new charges, which I pleaded as at first to be contrary to law, notwithstanding the last verdict of the jury being according to the first brought in by them, *the prisoner at the bar not guilty*, upon which I was acquitted accordingly, as you will by a copy of my tryal which I here inclosed do send you, with the rest of Sir Edmund Andross proceedings against me—If you cannot find the book amongst Sir George Carteret, where all the proceedings of New Jersey are copied in, as deeds transports or the like from his Royal Highness to Sir George Carteret, you will find the said book in the hands of Mr. Holder, the Dukes auditor: Also to be mindful as there hath been a new dividend or alteration of the worst part of the Province where the Quakers do live from this, to take this opportunity for to have it renewed, that we may know the certain bounds and distinction of both; and do likewise advise you to address yourself to the commissioners of the custom-house, to whom I have also sent copies of Sir Edmund Andross transactions, and also desire their assistance to my Lady Carteret in this business; and likewise to make acquainted of the same, both Sir Edward Carteret's, Doctor Darvall, Mr. De Maresque, Capt. Meservie, and the rest of my friends and acquaintance there, to be assistants for our relief in this case; and if possible they can to endeavour their utmost means for the obtaining our powers again, and all things to be confirmed and run in their former channel with us as they did before. I have written to my Lady Carteret, about Amboy, and some other concerns of my own, for which I would pray you to use your utmost endeavours to have a grant of my request therein, and what lies in my power shall not be wanting for the supply of your children, and

mindfullness of your concerns here. By this opportunity of Mr. Heathcott, Capt. Dyre is intended for England, by which I thought good to advise you, to be observant in his motions, that he doth not sware and romance against us, as he did the time before, and by all opportunities that I may hear from you, and to be very diligent of our concerns in England, leaving no stone unturned that may be for our good, and as often as need doth require, shall not be wanting in doing my part in writing to you by all opportunities that doth present, the like I expect from you and so remain.

Your assured loving friend, P. C.

THIS to give notice to all to whom it shall concern, that I have received an order in a letter from the right honourable the Lady Elizabeth Carteret, bearing date month September 1680, (who is left sole executrix, and guardian to the heir of Sir George Carteret, Lord Proprietor of this Province) with an absolute command not to take notice of any commissions, warrants or orders from Sir Edmund Andross: And I am also further commanded to tell you, that you bring in your charges and damages, Sir Edmund Andross, hath put this Province to in the usurpation of the Government; for his Royal Highness being acquainted with his illegal actions, in usurping the government of New Jersey, doth deny that ever he had any such orders from him or done by his consent; but on the contrary the Lord Proprietors should have all right done him in the enjoyment of the Province and the government thereof; and that his Royal Highness would not in the least derogate from what he had granted to Sir George Carteret, and doth wholly disown and declare that Sir Edmund Andross had never any such order or authority from him for the doing thereof. And whereas I am informed that some officers of New York, do intend to persist and keep courts by virtue of Sir Edmund Andross illegal actions, which will tend to the great disturbance of the King's peace, and detriment to the Lord Proprietor's interest, and the publick welfare of the people here settled under him: These are therefore to will and require all persons not to obey, abett or assist or have any thing to do in such courts, for there shall be an Assembly forthwith convened and of-

ficers chosen in due time : therefore let none presume to act any further by Sir Edmund's orders or commissions or any deputed under him, as they will answer the contrary at their perils. Given under my hand and seal, at Elizabeth Town, in the Province of New Jersey, this second day of March, 1680.

St. James 6th November, 80.

SIR,

I PRESUME you will have heard already this his Royal Highness in obedience to his Majesty's commands is gone again into Scotland, but that before he went he was pleased upon such advice as he relied on, to confirm and release to the Proprietors of both moieties of New Jersey, all their and his right to any thing besides the rent reserved, which heretofore may have been doubtful whether as to government or to publick duty's in or from the places within their grants, and though I believe the deeds themselves respectively, when produced to you, will enough satisfy you in this matter ; yet I think it convenient herein to give you notice of them, to prevent as much as in me lies, the vallidity thereof, or their having been surreptitiously obtained, or any other inconvenience that may happen either to you or the Proprietors for want of such intimation.

Sir I am your very affectionate friend and humble servant.

JO. WERDEN.

New York, July, 26th, 1681.

CAPT. CARTERET,

I THIS day received several papers from you by Mr. Bullen, and Laprery, which have been shewn and read in Council, but find no power thereby for you to act in, or assume the government of New Jersey, and till you pursuant to our former orders and resolves in Council, and your parole to me, produce and shew a sufficient authority, you are and I do hereby require you to desist acting in any publick capacity, and remain

Your friend and servant,

ANTHONY BROCKHOLLS.

Elizabeth Town 28th July, 1681,

CAPT. BROCHHOLLS, SIR,

I have received yours of the 26th instant, by Mr. Bullen, and Mr. Laprery. I have a power sufficient to act as Governor of East New Jersey, and am no more bound to give you and your Council an account thereof, then you are obliged to give me an account of yours: When you do produce to me by what legal authority you are so confident to controul my proceedings, I will shew you mine to contradict it. In the mean time I will send your uncivil answer for England, where your late Governor and his Councils unjust proceedings, are already disowned by your master, and condemned to be illegal by all in general. I did send you a copy of his Royal Highness grant attested by the Secretary of this Province, of which you seem to take no notice of, nor of my demand of the surrender of Staten Island unto me, by which I conclude a denial, I remain

Your friend and servant,

PH. CARTERET.

MADAM,

YOUR honour will see by the inclosed letter of Capt. Brockholls, commander in chief of New York government, under his Royal Highness, the answer to mine and the Councils demand of Staten Island, which is as much your honour's due as any other part of this Province, with my reply unto it, by which your honour will understand the continuance of their obstinancy and unjust proceedings, which if not taken off by his Royal Highness and punished in Sir Edmund Andross, now you have him in England, we shall never be at quiet. The last week the Council and general Deputies of the Assembly did meet for the settlement of the country, at which time they all unanimously voted and concluded, that Sir Edmund Andross, and abettors, proceedings against this government was illegal; some other small things was done, which your honour shall have account in due time; and so adjourned to the month of October next. The ship is just a going to set sail, and have not time to add more, than that I am madam.

Your most humble and faithful servant.

To the King's most Excellent Majesty.

The humble Petition of the Freeholders
Inhabitants and Owners of the Land,
of and belonging to Elizabeth Town,
or Township, and other Lands thereto
adjacent, in the Province of East New
Jersey in America, in behalf of them-
selves and many others.

Sheweth,

THAT his late Majesty King CHARLES the Second, by his Letters Patents bearing date the 20th day of March, in the sixteenth year of his reign, did give and grant to JAMES then Duke of York, and his heirs, the Government and Dominion, as well as property of and in all those lands in America, lyeing Connecticut river, and Delaware bay, (whereof the Provinces of New York, and of East New Jersey, aforementioned, are part) with power to admit who he and his heirs pleased to inhabit and enjoy lands there, by virtue of which grant the said Duke of York, did in April 1664, grant a commission for the government of these places to Col. Richard Nicholls, whom he authorized to execute all powers which were granted to his Royal Highness by the Letters Patents.

That the said lands in the said Province of East New Jersey, were at the time of making these Letters Patents, some part in the actual possession of the Dutch, and other part in the actual possession of the native Indian's, and so continued until about the 27th of August, 1664, at which time part of them were surrendered by the Dutch, to the said Col. Nicholls, who in October 1664, granted leave to John Baily, and others, under whom your petitioners, or most of them claim their lands, to purchase lands of the native Indians, which they accordingly did, and the lands claimed by our petition-

ers in the said Province, part of these lands so purchased by this licence, all or most of which lands so purchased, were in December 1664, granted and confirmed to the said John Baily, and others, by the said Col. Nicholls.

That afterwards the Dutch conquered and regained possession of these Provinces, and upon the treaty of peace surrendered them again to his said late Majesty, who thereupon granted them again, to the said Duke—but the said purchasers, and those claiming under them, still continued in the possession of the lands by them purchased, and peaceably enjoyed the same, until about September, 1693, being near thirty years, and during that time, great labour and expence, built, planted and improved the same; and they humbly conceive they ought according to law, reason and justice, still to enjoy the same.

But certain persons to the number of about one hundred, or some other great number, calling themselves Proprietors of the said Province of East New Jersey, do pretend that they have a title to your petitioners lands, by several mesne conveyances, from and under the Lord Berkley, and Sir George Carteret, (to whom as they pretend the said Duke conveyed the same by indentures of lease and release, dated on or about the 23d and 24th days of June, 1664, before his Royal Highness or any other for him had ever been in possession of the said lands, or any part thereof) and that your petitioners have no right thereto, altho those under whom they claim, purchased of the Indians natives by the licence of the said Col. Nicholls, and for valuable considerations without notice of the said conveyance to the said Lord Berkley, and Sir George Carteret, (if that could be a legal conveyance, as your petitioners are advised it could not be of these lands) and the said pretended proprietors do now set up this old pretended title to your petitioners lands, after they have enjoyed the same quietly for many years, in hopes to reap the benefit of your petitioners said labour, expence and improvement, or to force them to pay some large quit-rent, or yearly payment for the same; and for that purpose have often urged your petitioners (who have as aforesaid purchased their lands, and peaceably

enjoyed the same so long) now to take leases or grants thereof from the said pretended Proprietors under yearly rents.

And the more effectually to accomplish their unjust designs, and gratify their ambitious inclinations, the said pretended proprietors have on pretence only of the said indentures of lease and release, and the mesne conveyances under the same, pretended to have been made to the said Proprietors, presumed to usurp and take upon them to exercise a dominion and government over your petitioners, and their lands, and to constitute a pretended Governor, a pretended court of justice, and contrary to the laws and statutes of your Majesty's realm of England, to appoint judges who presume without any commission or authority derived from your Majesty, to take upon them to try causes.

And in this pretended court, and before these pretended judges of their own making, the said pretended Proprietors did in the year 1693, bring an action of trespass and ejectment against Jeffery Jones, for part of the said lands in Elizabeth Town, and the same came on to be tried, and altho upon a full evidence, the jury (who were chosen by the said Proprietors, or their creatures) were notwithstanding so just as to give a verdict for the said Jones; yet the said pretended judges being either of the number of the said Proprietors or by them appointed, were so partial and arbitrary, as contrary to law and justice, to give a judgment against the said Jones, and for the said pretended Proprietors; which unjust judgment, your Majesty upon appeal hath in your princely justice been pleased to reverse, altho the said pretended judges, in hopes to support their said judgment, did transmit a writing for a copy of the proceedings in the said cause, which was false, and not according to the truth of the proceedings had in the cause.

That your petitioners are now destitute of any lawful civil government over them, having no legal court of justice or judges, that they any legal commissions, and the said usurpers and their pretended judges being so partial as aforesaid, will by their unjust and arbitrary proceedings, deprive your petitioners of what they have justly paid

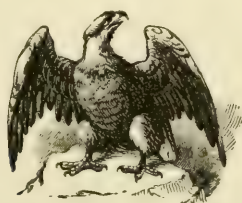
for, are legally intitled to, and with great pains, hazard and expence, have planted, and improved and quietly possessed for many years, unless assisted by your Majesty, and your petitioners doubt not but to make out the legality and justice of their titles to any impartial judges, in or near the country where the facts are best known, and where the witnesses are that can prove them.

Your petitioners groaning under these and other great oppressions of the said usurpers, and in the want of a legal and well established government, are humble suitors to your Majesty (the fountain of justice) that your Majesty would be graciously pleased to take them into your Majesty's royal protection and to let them enjoy (in this remote part of the world) the happy influences of your Majesty's just government. And for that purpose either to place them under the civil government of your Majesty's Province of New York, (from the Elizabeth Town aforesaid, is but about twenty miles distant, and great part of your petitioners lands are much nearer) and to grant to the court of justice at New York, a power to judge all causes in the said Province of East New Jersey, or to appoint indifferent judges to administer justice between your petitioners and the said pretended Proprietors, and to admonish the said usurpers that they presume no more to usurpe your Majesty's royal authority of constituting courts of justice, and commissionating judges, and the said pretended judges no more to presume to act as a court of justice, or otherwise to order for your poor oppressed petitioners relief, as to your Majesty in your princely wisdom and goodness shall seem meet.

And your petitioners as in duty bound shall ever pray,
&c.

John Lamb,	Ebenezer Lyon,	John Looker,
John Osborn,	Jonathan Ogden, jun.	Jeremiah Crane,
Abraham Hill,	Obadiah Sale,	Daniel Sayre,
Joseph Hallsy,	John Little,	George Ross, jun.
John Woodroof,	Joseph Woodroof,	Thomas Thompson,
Robert Wooley,	And. Hampton,	Joseph Lyon,
Joshuah Clarke,	John Thomas,	William Brown,
Henry Lyon,	Ephram Clarke,	John Meeker,

William Looker,	Joseph Williams,	John Thomson,
Jeremiah Osborne,	William Miller,	Daniel Price,
Cornelius Hatfield,	Samuel Whitehead,	John Harriman, jun.
Henry Norris,	Roger Lambert,	John Ross,
John Cory,	Benjamin Lyon,	Abraham Hatfield,
John Megie,	Joseph Meeker,	Isaac Whitehead,
Daniel Dehart,	Ephriam Price,	John Earsken,
Robert Marsh,	Samuel Carter,	Thomas Prite,
William Strayhearn,	Jonathan Ogden,	Benjamin Hatter,
Nathaniel Boinel,	Isaac Boinell,	John Clarke,
Samuel Clark,	Benjamin Ogdin,	John Miles,
John Willis,	Benjamin Wade, sen.	Jacob Mitchel,
Daniel Crane,	Benjamin Prit, jun.	Samuel Williams,
David Woodruff,	Benjamin Meeker,	



FINIS.



AN INDEX

OF ALL THE

Principal Matters contained in such Parts of this Book,
as relate to New Jersey, before the Division thereof.
As also after the Surrender, when East and West
Jersey became Re-united under the Crown, Alphabet-
ically digested with proper references.

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OF ALL THE

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2. That the consideration of all land sold or rented be paid to the Receiver General	ibid.
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1. That the Legislative power be lodged in a Governor,
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atives ibid.
2. That the exercise of the administration of govern-
ment be in the Governor, or his Deputy and
Council, who were to rule according to the laws
of England and those of the Province ibid.
3. That the Representatives be chosen on the first
Tuesday in January annually, and with the Gov-
ernor or Deputy Governor and Council, compose
the General Assembly to sit yearly at Perth
Amboy ibid.
4. That all bills past by the Representatives, and as
sented to by the Governor or Deputy Governor
and Council, be laws until repealed or expired 369
5. That the Assembly have power to make laws and
constitutions (not repugnant to the laws of Eng-
land nor the act of right) and the same to repeal
at discretion ibid.
6. That the publick records be kept at Perth Amboy,
and the Register make exact entries therein of all
publick affairs, grants, patents and other deeds or
conveyances of land, which deeds if belonging to
persons inhabiting in this Province, to be re-
corded in six months after execution, being first
acknowledged or proved, and then to be conclus-
ive against prior deeds not recorded, with a sav-
ing clause in favour of certain persons ibid.
7. That the General Assembly establish all courts with
their limits, powers and jurisdictions except, &c. 370
8. That none be appointed to office, but resident free-
holders, except the Secretary and Register ibid.
9. That no sheriff continue in office above one year,
nor be liable to serve in that office in less than
three years ibid.
10. That the judges of the Court of Common Right, be
not judges of the high Court of Chancery ibid.
11. That no person execute an office before taking the
oaths to the government ibid.
12. That members of the General Assembly and their
servants be free from arrests during the publick
service, except in case of felony or treason ibid.

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13. That in case of the death or removal of a member,
the Governor to issue a writ for the election of
another in his stead ibid.
 14. The number of representatives and the places where
chose ascertained, and their enlargement vested
in the Governor and Council ibid.
 15. That no estate of a *feme covert* be transferred, but
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justice of some court of record after secret exam-
ination of her freedom in such transfer 371
 16. That all wills in writing attested by three or more
credible witnesses, being proved and registered
within sixty days after the testator's death, de-
clared valid ibid.
 17. That no freeman be pressed to go to war out of the
limits of the Province, except in certain cases ibid.
 18. That no freeman be obliged to quarter soldiers (ex-
cept in-holders) unless in time of actual war ibid.
 19. That no freeman be deprived of property or liberty
but by trial of his peers and the laws of this
Province ibid.
 20. That martial law shall not take place except upon
officers and soldiers in time of war ibid.
 21. That justice and right shall be neither sold, denied
or delayed, nor no man deprived of his liberty or
estate without legal trial by due course of law ibid.
 22. That trials shall be by verdict of 12 men, and as
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hood where the facts shall arise 372
 23. That in all cases capital and criminal, there shall
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was committed, and a jury of 12 men of the neigh-
bourhood to try the offender, who after plea to
the indictment may have reasonable challenges ibid.
 24. That bail be allowed and taken in all cases unless
treason and felony ibid.
 25. That no persons professing faith in God by Jesus
Christ shall be questioned about their religion,
behaving civilly, provided this does not extend
to those of the Romish religion to exercise their
manner of worship contrary to the laws of Eng-
land. ibid.
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Recite their right of government, and by virtue thereof establish constitutions for East Jersey, appointing Robert Barclay Governor during his natural life (except in case of misbehaviour) to serve by deputy approved by 16 Proprietors, until on the place himself, and direct the method of appointing succeeding Governors, who were to continue in office for three years only	153
(Or proxies in their absence) with the representatives chose by the freemen, to compose the Grand Council of the Province	154
Privilege of any member of the Grand Council to propose bills for passing into laws	155
May vote by proxie	160
Bearing office in another Province not to vote but by proxies unless called by one of the Councils	ibid.
Not retaining one fourth part of a propriety to loose the right of government, unless in certain cases, and during minority not to vote but by proxie appointed by the tutor, that failing, by the other Proprietors	ibid.
In civil actions subject to like trial with others, but in capital offences, or such as respect forfeiture of trust or proprietorship to be tried by 12 Proprietors, &c. but so that the bill of indictment charging them for any such offence may be found by 12 Proprietors and 12 freemen, &c.	161
For preserving a ballance agree, that no one of them should hold more than one propriety, and in case any one should be intitled to more, the surplusage to be transferred	ibid.
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- Proprietors on the place, or the majority to join the Governor in expediting the 10th article of their instructions 185
- Encouragement to settlers, refering to the regulations of 10,000 acres agreed to be laid out to a propriety, and directing the proportion thereof allotted to under purchasers, buying less than a propriety, &c. 186
- Letter to the planters touching their concerns dated February 29th 1683-4 188
- Instructions of the 3d of May 1684, &c. to Governor Lawrie and other Proprietors in East Jersey, containing an encouragement to settlers under the Proprietors, subjecting such settlers lands to a division by lot, exempting the lands at Changarora and Amboy from the general regulation, &c. and limiting the said instructions to four years 190
- In London by instructions or power dated the 1st of August 1684 vested Governor Lawrie, secretary Rudyard and other Proprietors of East Jersey with the following powers 195
1. To approve and confirm laws before transmission, but so that when the fundamental constitution should be established by the Assembly then to proceed according thereto 196
 2. To agree matters in debate with planters about land and quitrents but not to sell their quitrents without order *ibid.*
 3. To dispose of lots at Perth upon certain regulations *ibid.*
 4. To take up and purchase lands from the Indians *ibid.*
 5. To lease land but with caution 'till the prospect of sending over people from Europe should be discovered *ibid.*
 6. To run and determine the lines of division between York and East Jersey, and the latter and West Jersey *ibid.*
 7. To take the best expedient by the sale of lands, arrears of quitrents, or other effects to make up the sum of £180 to Thomas Rudyard for his service while Governor 197
- Proprietors instructions to Governor Lawrie of November 13th 1684 198
- Agree that five of their number, &c. should have power to grant commissions, orders and instructions relative to their concerns, confirm former commissions, &c. and enumerate the same 204, 205
- By instructions dated 3d of July 1685 established additional regulations for the disposal of their lands, to continue for three years and so long thereafter until otherwise altered 207

- Proprietors obliged to hold certain proportions of their lands to preserve the nature of their government 209
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- Direct their regulations of the 3d of July 1685 to be made publick 212
- By letter of attorney dated the 1st day of December 1697 impowered George Willocks to recover or sell their quitrents agreeable to instructions 214 to 219
- Instructions to Governor Bass 220
- Proxies and agents excluded from being members of the General Assembly 367
- Memorial to the Lord's of trade in substance as follows 588
- That they were ready to surrender the government, tho' that was the chief motive of their purchasing the Province, and had been at great expence in planting it without receiving any returns for the same, and in consideration of the premisses relied on his Majesty to confirm to the Proprietors and planters the following rights and priviledges
1. That the soil and quitrents reserved should be confirmed 589
 2. That Amboy should remain a port *ibid.*
 3. That they should have liberty to trade with and purchase lands from the Indians *ibid.*
 4. That officers should be appointed and courts held in East Jersey exempt from any connection with New York *ibid.*
 5. That supream courts should be held in Amboy *ibid.*
 6. That publick records should be kept at Amboy, and the constituting the Secretary and Surveyor General remain in the Proprietors *ibid.*
 7. That the counties then in being in East Jersey should remain, with power of sending as many members to the General Assembly at New York, as they should send, and in case of their encreasing counties or members, a proportionable augmentation to be made in East Jersey 590
 8. That a proportionable number of counsellors should be appointed for East Jersey *ibid.*
 9. That the Proprietors might be Lords of the soil, hold courts, &c. *ibid.*
 10. That no person should be deprived of priviledges on account of his religion *ibid.*

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11. That administration on wills should be granted by the chief judge and a register thereof kept at Amboy ibid.
12. That the Proprietors should retain power to establish markets and fairs ibid.
13. That forfeitures, royalties, and all other privileges vested in them by the grant of the 14th March 1682 should be retained ibid.
14. That Colonel Hamilton should be dispatched to West Jersey 591
- Note, the memorial containing the above particulars in substance its probable was presented the 15th of July 1699. *See Page* 594
- Answer to the preceeding memorial allowing of some, and disallowing of other articles ibid.
- Proprietors reply to their lordships answer insisting on Amboy's being continued a port 597
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
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16. That thieves should make double restitution for things stolen, and if unable, to work for their theft ibid.
17. That persons abusing others should be punished according to the nature of the offence ibid.
18. That care should be taken, that wills were performed, and registered, security given, and inventories exhibited before a disposal of the estate 403, 430

19. That intestates estates be distributed among the wife
and children, &c. ibid.
Altered by proviso ibid.
20. That orphan children should be taken care of out of
their parents estates, and for want thereof at the
publick charge 430, 431
21. That the estates of felo de sees, or deodands should
not be forfeited unless in certain cases 404, 431
22. That the Assembly should order sentence on mur-
derers or traitors as they judged expedient 404
23. That there should be an annual election of repre-
sentatives on the first day of October and 100
elected ibid.
24. That the election should be free from bribery, and
in case thereof, the offender rendered incapable
of electing or being elected, or holding any other
office of publick trust for the space of seven years,
which election not to be made by cries or voices,
but by putting balls into balloting boxes 405
25. That the Assembly should meet and sit upon their
own adjournments and ascertain the number of
their quorum, &c. 406
26. That the electors should have power to give instruc-
tions to their representatives in matters of pub-
lick concernment, and they do oblige themselves
by indentures not to do any thing to the preju-
dice of the community, and failing to be ques-
tioned in the Assembly by such electors ibid.
27. That each representative should have 1 s per day
from his electors, that he might be known to be
their servant ibid.
28. That the members should have the accustomed
privileges and the people free access to them ibid.
29. That the Assembly should have power to appoint 10
commissioners for transacting publick affairs
during their intermissions 407
30. That the inhabitants should have power to remon-
strate for redress of grievances, or to propose any
thing for the publick good ibid., 431
31. That the Assembly should have power of making
and repealing laws as near as may be agreeable
to the laws of England, and not repugnant to the
charter ibid.
32. That the Assembly should have power to erect
courts, appoint their officers, ascertain their sala-
ries, &c. but so that no person should hold two
offices at one time 408

33. That justices and constables should be chose by the people and the other officers by the Assembly *ibid.*
34. That the Commissioners of the Treasury should annually account with the Assembly, and they return copies of such account to their constituents *ibid.* 432
35. That all publick taxes should be laid by the Assembly *ibid.*
36. That the Assembly should have power to divide the Province into districts, and set a part places for towns, cities, ports, harbours, &c. and the same vest with necessary powers and priviledges, and also might appoint markets and fairs, &c. 409
37. Signers to the charter *ibid.* 410
- By a second charter of priviledges dated November 25th 1681 consented to by the Governor, Proprietors, freeholders and inhabitants of West New Jersey. It was mutually agreed as follows, viz.
1. That an Assembly should be annually elected to sit at a day certain to consider of and transact the publick business, but in case of necessity the Governor with consent of council might convene them sooner 423
2. That the Governor should not suspend or defer confirmation of the laws past by the Assembly *ibid.*
3. That wars should not be made, or military force raised without consent of Assembly 424
4. That laws should not be enacted without consent of Assembly *ibid.*
5. That the Assembly should not be prorogued or dissolved within the term of one year without their consent *ibid.*
6. That taxes should not be laid without the Assembly consent *ibid.*
7. That all officers of State or trust should be nominated by the Assembly to whom they were accountable *ibid.*
8. That ambassadors should not be sent, treaties made, or alliances entered into without the Assembly's consent 425
9. That the Assembly should not give the Governor a salary for any time longer than one year *ibid.*
10. That liberty of conscience in matters of faith and worship should be granted to all living peaceably, and none disqualified from bearing office on account of their religion *ibid.*
11. The charter signed by Samuel Jennings, Deputy Governor, and Thomas Ollive Speaker of the Assembly *ibid.*
12. Samuel Jennings accepted Deputy Governor on certain conditions *ibid.*

13. Charter ordered to be recorded	425
Proclamation to issue for preserving the publick peace, &c.	484
Properties and priviledges committed to the care of the Governor and Council, till further provision made by the Assembly	501
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In England to be notified of the expedience of al- lowing 3200 acres to the first choice, to be en- larged as settlers presented, &c.	439
And purchasers within the first and second tenth, to take up their proportion of the first and second choice in one place, provided not above 500 acres be taken up in one settlement	441
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